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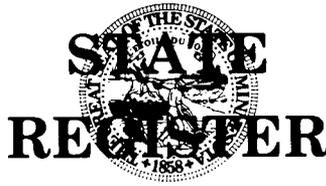
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VOLUME 10, NUMBER 16

October 14, 1985

Pages 877-948



Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
SCHEDULE FOR VOLUME 10			
17	Monday October 7	Monday October 14	Monday October 21
18	Monday October 14	Monday October 21	Monday October 28
19	Monday October 21	Monday October 28	Monday November 4
20	Monday October 28	Monday November 4	Monday November 11

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, 506 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

The *State Register* is published by the State of Minnesota, State Register and Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to Minn. Stat. § 14.46. Publication is weekly, on Mondays, with an index issue in September. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$130.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota. Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at \$3.25 per copy.

Subscribers who do not receive a copy of an issue should notify the *State Register* Circulation Manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, and official notices to the public. Judicial notice shall be taken of material published in the *State Register*.

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How to Follow State Agency Rulemaking Action in the State Register

State agencies must publish notice of their rulemaking action in the State Register. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION also.

The PROPOSED RULES section contains:

- Calendar of public hearings on proposed rules.
• Proposed new rules (including notice of hearing and/or notice of intent to adopt rules without a hearing).
• Proposed amendments to rules already in existence in the Minnesota Rules.
• Proposed emergency rules.
• Withdrawal of proposed rules (option; not required).

The ADOPTED RULES section contains:

- Notice of adoption of new rules and rule amendments adopted without change from the previously published proposed rules. (Unchanged adopted rules are not republished in full in the State Register unless an agency requests this.)
• Adopted amendments to new rules or rule amendments (adopted changes from the previously published proposed rules).
• Notice of adoption of emergency rules.
• Adopted amendments to emergency rules (changes made since the proposed version was published).
• Extensions of emergency rules beyond their original effective date.

The OFFICIAL NOTICES section includes (but is not limited to):

- Notice of intent to solicit outside opinion before promulgating rules.
• Additional hearings on proposed rules not listed in original proposed rules calendar.

ALL ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the State Register and filed with the Secretary of State before July 31, 1983 are published in the Minnesota Rules 1983. ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES filed after July 31, 1983 will be included in a supplement scheduled for publication in mid-1984. Proposed and adopted EMERGENCY (formerly called TEMPORARY) RULES appear in the State Register but are generally not published in the Minnesota Rules 1983 due to the short-term nature of their legal effectiveness. Those that are long-term may be published.

The State Register publishes partial and cumulative listings of rule in the MINNESOTA RULES AMENDMENTS AND ADDITIONS list on the following schedule:

Table with 2 columns: Issue/Range and Cumulative Issue. Includes: Issues 1-13, inclusive; Issues 14-25, inclusive; Issue 26, cumulative for 1-26; Issues 27-38, inclusive; Issue 39, cumulative for 1-39; Issues 40-51, inclusive; Issue 52, cumulative for 1-52.

The listings are arranged in the same order as the table of contents of the Minnesota Rules 1983.

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PROPOSED RULES

Pursuant to Minn. Stat. of 1982, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Labor and Industry

Proposed Rules Relating to Occupational Professions, Boiler Operations, Fees

Notice of Intent to Amend Rules without a Public Hearing

Notice is hereby given that the Department of Labor and Industry, Code of Enforcement Division, proposes to adopt the above-captioned amendments to Minn. Rules, parts 5225.0200, 5225.0300 and 5225.8600 without a public hearing. The Department has determined that the proposed adoption of these amendments will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.21-14.28 (1984).

Persons or groups interested in these amendments shall have 30 days to submit comments on the proposed amendments. Comments in support of or in opposition to the proposed amendments are encouraged. Each comment should identify the portion of the proposed amendments addressed, the reason for the comment, and any change proposed. The proposed amendments may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change in the proposed language.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

A public hearing will not be held unless 20 percent or more of the persons who are required to pay fees under the proposed amendments submit written requests for a public hearing on the proposed amendments within the 30-day comment period. If a public hearing is required, the Department will proceed according to the provisions of Minn. Stat. §§ 14.131-14.20 (1984). Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed amendments addressed, the reason for the request, and any change proposed.

Comments or written requests for a public hearing should be submitted to:

Steve Keefe
Commissioner, Department of Labor and Industry
5th Floor, Space Center Bldg.
444 Lafayette Road
St. Paul, Minnesota 55101
(612) 296-2342

Authority for the adoption of these amendments is contained in Minn. Stat. § 183.545 (1984). A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed amendments, identifies the data and information relied upon to support the proposed amendments and assesses the impact of the proposed amendments on small business and on local public bodies has been prepared and is available from the Commissioner upon request at the above address.

The fees may affect small business slightly, as the fees are increased 5 to 10 dollars for most boilers operated by small businesses. Engineers' licenses are purchased by individual engineers and may affect small businesses to the extent that the licenses are paid for by or the cost is passed on to small businesses.

Upon adoption of the final amendments without a public hearing, all jurisdictional documents, the Statement of Need and Reasonableness, all written comments and requests for hearing received, and the final amendments as adopted, will be delivered to the Attorney General. The amendments will then be reviewed by the Attorney General as to legality and form as it relates to legality, including the issues of substantial change, the agency's authority to adopt the amendments and the existence of a rational basis for the need for and reasonableness of the proposed amendments. Persons who wish to be notified of the submission of this material to the Attorney General, including modifications to the amendments as originally proposed, or who wish to receive a free copy of the final amendments as adopted, should submit a written request to the Commissioner at the above address.

The text of the proposed amendments follows this notice in the *State Register*. The amendments increase the fees for boiler engineers' licenses applications and renewals and inspection fees.

One free copy of the proposed amendments may be obtained by contacting Paul Blossfield at the above address or by calling (612) 296-4530.

Steve Keefe
Commissioner, Department of
Labor and Industry

Rules as Proposed

5225.0300 EXPIRATION AND RENEWALS.

Subpart 1. [Unchanged.]

Subp. 2. **Expirations within less than five years.** Licenses which have expired less than five years prior to date of application for renewal may be renewed without the necessity of an examination upon filing an application therefor, accompanied by the fee required in part ~~5225.0200~~ 5225.8600. Applications shall be marked "expired renewal" and do not have to be signed.

Subp. 3. **Expirations of five years or more.** Licenses which have expired five years or more prior to the date of application for renewal may be renewed by filing an application therefor, accompanied by the fee required by part ~~5225.0200~~ 5225.8600, and passing an examination.

Rules as Proposed (all new material)

5225.8600 FEES.

Subpart 1. **Generally.** Fees for inspections, examinations, and licenses under parts 5225.0100 to 5225.7200 are in subparts 2 to 7.

Subp. 2. Engineer licenses.

A. The fees for a new engineer license application are as follows:

- (1) chief engineer, \$40;
- (2) first class engineer, \$25;
- (3) second class engineer, \$20;
- (4) special engineer, \$15;
- (5) hobby engineer, \$30, and
- (6) pilot, \$20.

B. The fees for license renewal under part 5225.0300 are as follows:

- (1) chief engineer, \$25;
- (2) first class engineer, \$20;
- (3) second class engineer, \$15; and
- (4) special engineers, pilot, \$10.

C. The fees for expired renewals under part 5225.0300, subpart 2, are as follows:

- (1) chief engineer, \$30;
- (2) first class engineer, \$25;
- (3) second class engineer, \$20; and
- (4) special engineer, pilot, \$15.

Subp. 3. Boiler and pressure vessel inspection. The fees for the annual inspections of boilers and the biennial inspections of pressure vessels under Minnesota Statutes, section 183.545, subdivision 3, are as follows:

- A. boiler inaccessible for internal inspection, \$20;
- B. boiler accessible for internal inspection, \$30;
- C. boiler internal inspection over 2,000 square feet, \$40;
- D. boiler internal inspection over 4,000 square feet, \$50;
- E. boiler internal inspection over 10,000 square feet, \$70;
- F. boiler requiring internal inspection up to one-half day, \$130;
- G. pressure vessel for internal inspection, \$20; and
- H. pressure vessel inaccessible for internal inspection, \$10.

Subp. 4. Shop inspections. The fees for shop inspections under Minnesota Statutes, section 183.545, subdivision 3, are as follows:

- A. inspection of two hours or less, \$70;
- B. one-half day, four hours or less, \$130; supervisor, \$180;
- C. eight hours or less, \$240; supervisor, \$320; and
- D. each hour over eight hours, per hour, \$45; supervisor, \$50.

Subp. 5. Inspectors. The fees for inspector's examinations, certificates, and endorsements under Minnesota Statutes, section 183.545, subdivisions 6, 7, and 8, are as follows:

- A. national board inspector's exam, \$40;
- B. nuclear endorsement, \$20;
- C. Minnesota certificate of competency, original, \$20; and

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PROPOSED RULES

D. Minnesota certificate of competency, renewal, \$15.

Subp. 6. **Exemption certificates.** The fees for exemption certificates under Minnesota Statutes, section 183.57, subdivision 2, are as follows:

- A. first object inspected, \$10; and
- B. each additional object inspected, \$5.

Subp. 7. **Vessel inspections.** The fees for vessel inspections under Minnesota Statutes, section 183.545, subdivision 1, are as follows:

- A. boat under 30 feet, \$30;
- B. boat from 30 to 40 feet, \$40;
- C. boat 40 to 50 feet, \$50; and
- D. boat over 50 feet, \$60.

Repealer. Minnesota Rules, part 5225.0200, is repealed.

Pollution Control Agency Water Quality Division

Proposed Rules Relating to Wastewater Treatment

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Pollution Control Agency proposes to amend and adopt the above-entitled rules without a public hearing. The Executive Director has determined that the proposed amendments will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Sections 14.21 to 14.28 (1984).

The proposed rule amendments are authorized by Minnesota Statutes, Section 115.03, Subdivision 1(c) (1984), Section 116.16 (1984) and Minnesota Laws, Ex. Sess., Chapter 14, Article 19, Section 3. The primary purpose for the proposed amendments is to provide for administration of the financial assistance program for the abatement of combined sewer overflows into the Mississippi River in the Twin Cities Metropolitan area. Other revisions include an increase in the maximum state supplemental wastewater treatment facilities grant from 15 percent to 30 percent; and a relaxation of requirements for award of reimbursement grants.

The Agency has prepared a Statement of Need and Reasonableness that describes the need for and reasonableness of each revision to the proposed rules. Copies of the Statement of Need and Reasonableness and of the proposed rules are available and may be obtained by contacting:

Roberta Stadler
Minnesota Pollution Control Agency
1935 West County Road B-2
Roseville, Minnesota 55113
Telephone: (612) 296-7376

Interested persons have 30 days, or until 4:30 p.m. on November 15, 1985 to submit comments on the proposed rules. Comments are encouraged and should be submitted to Ms. Sharon Meyer at the address stated above. The proposed rules may be modified if the data and views received by the Agency before the end of the comment period support the need for modification and if the modification does not result in a substantial change in the proposed rules.

Persons submitting comments should identify the portion of the rules addressed, the reason for the comment, and any change proposed. If, during the 30-day period for comments, 25 or more persons submit a written request for public hearing on the proposed rules, the Agency will hold a public hearing as required by Minnesota Statutes, Section 14.14 to 14.20.

Persons submitting a request for a public hearing should submit a written request to Ms. Sharon Meyer at the address stated above. The request should state the name and address of the person requesting the hearing and persons are encouraged to identify the portion or portions of the rules to be the subject of the hearing along with the reasons for requesting the hearing and, if applicable, what changes to the rules as proposed are being proposed by the person submitting the request.

In the event that no hearing on these rules is required, and upon adoption of the rules by the Agency Board, the rules as proposed, this notice, the Statement of Need and Reasonableness, all written comments received, and the final rules as adopted will be sent

to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to receive notice of the date of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as adopted, should submit a request to Ms. Sharon Meyer at the address previously stated. The Agency encourages persons to submit written requests, if possible.

You are hereby advised, pursuant to Minnesota Statutes, Section 14.115 (1984), "Small business considerations in rulemaking," that the proposed rules may have an impact on small businesses in Minnesota. We think that this impact will be positive. Some small construction contracts will be awarded under the financial assistance program for combined sewer overflow abatement, and small businesses will be given the opportunity to bid on some of these projects.

Please be advised that Minnesota Statutes, Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minnesota Statutes, Section 10A.01, Subdivision 11 (1984) as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250, not including his own travel expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute contains certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone: (612) 296-5615.

Thomas J. Kalitowski
Executive Director

Rules as Proposed

7075.0100 PURPOSE.

This chapter provides for the administration of the federal construction grant program, the independent state construction grant program, the state matching construction grant program, ~~and~~ the state loan program for the construction of municipal disposal systems, and the state financial assistance program for combined sewer overflow abatement.

7075.0400 TYPES OF PROGRAMS.

Under this chapter and Minnesota Statutes, section 116.16 et seq., the agency may disburse funds from the pollution control fund for the following:

- A. and B. [Unchanged.]
- C. independent state grants for planning and construction of municipal disposal systems; ~~and~~
- D. loans for the construction of municipal disposal systems; and
- E. financial assistance for the abatement of combined sewer overflow.

7075.0401 SUMMARY OF CONSTRUCTION GRANTS PROGRAMS.

The following provisions apply to the municipal construction grant programs:

- A. to G. [Unchanged.]

H. State financial assistance is available for design and construction of combined sewer overflow abatement projects. This assistance is awarded on a pro rata basis to qualifying municipalities separately from the priority ranking process for other construction grants.

7075.0409 MUNICIPAL PROJECT LIST.

Subpart 1. **Adoption of municipal project list.** The agency shall adopt a municipal project list each fiscal year which shall list

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PROPOSED RULES

in order of priority projects for which federal grant funds will be requested from current allotments and for which state grants will be awarded from current appropriations. The municipal project list shall also contain those projects for which state financial assistance will be available for combined sewer overflow abatement projects. The municipal project list shall also list any nonproject uses of the state's allotment of federal grant funds and of the appropriation of state grant funds, including but not limited to, training grants and costs of administration.

Subp. 2. **Requirements for placement on list.** A municipality that requests project placement on the municipal project list shall meet the following requirements:

A. to E. [Unchanged.]

F. A municipality seeking a Step 3 federal grant for combined sewer overflow abatement projects or state financial assistance for combined sewer overflow abatement projects shall not be subject to the conditions contained in items C and D. The municipality shall submit by June 1 prior to the beginning of the fiscal year for which the grant or financial assistance is sought, a list and schedule of construction projects to be initiated in the following fiscal year. If the municipality's NPDES/SDS permit provides a different date for submission of the list and schedule, the date in the permit shall take precedence.

Subp. 3. **Preparation of proposed municipal project list.** The agency shall prepare a municipal project list that lists in order of priority the municipalities that are eligible to apply for construction grants for their projects from funds allotted to the state for the current fiscal year by the federal government or appropriated into the fund for the current fiscal year.

In drafting the proposed municipal project list, the agency shall consider the following factors in the order given:

A. and B. [Unchanged.]

C. restrictions on obligations mandated by these parts and applicable state and federal statutes, including but not limited to set asides for administration of certain types of projects, and the percentage of the cost of construction that will be paid by state and federal grants; ~~and~~

D. the municipalities' preference for funding sources; and

E. the amount of state financial assistance available for combined sewer overflow abatement projects.

Subp. 4. **Procedures for drafting list.** In drafting the proposed municipal project list, the agency shall list projects on the proposed list according to the following procedures:

A. to C. [Unchanged.]

D. The agency shall then list combined sewer overflow abatement projects for which state financial assistance will be awarded in the fiscal year from funds available for those kinds of projects.

E. The agency may list projects which will receive Step 1 and 2 grants and advances of allowance in such a manner as to permit funding to proceed in an orderly fashion to fully utilize all allocated and appropriated funds.

Subp. 5. **Reimbursement project list.** The agency shall prepare a reimbursement project list that lists those municipalities that are willing to proceed with projects and are willing to be reimbursed in a subsequent year conditioned upon appropriation of sufficient money for that year. No municipality may be listed on the reimbursement project list unless the municipality has requested placement on the list and has ~~complied with part 7075.0409, received approval of the documents listed in subpart 2, items A, item C, and D.~~ The total cost of these reimbursement projects may not exceed the amount of the expected newly appropriated to the independent state grant appropriation for the next year program. Reimbursement projects must be listed in the same order of priority as they appear on the municipal needs list. A reimbursement project may appear on both the reimbursement project list and the reserve project list.

7075.0411 PROJECT ELIGIBILITY.

Subpart 1. **Steps eligible.** Federal grants and state matching grants shall be awarded only for Step 2+3 and Step 3 projects. Advances of allowance for Step 1 and 2 projects may also be provided from federal funds. Independent state grants may be awarded for Step 1, Step 2, Step 2+3, and Step 3 projects. Financial assistance for combined sewer overflow abatement shall be awarded only for design and construction work.

Subp. 2. **General eligibility.** No project is eligible for a federal grant or a state matching grant unless it is eligible for funding under the act and applicable federal regulations. No project is eligible for an independent state grant unless it is eligible under this chapter and applicable state statutes. No municipality is eligible for state financial assistance for combined sewer overflow abatement projects unless the municipality complies with the conditions of Minnesota Statutes, section 116.162, subdivision 7.

Subp. 3. **Initiation of construction.** A municipality is not eligible for a federal grant or a state matching grant if construction on the project has been initiated prior to the award of the grant.

A municipality may be eligible for an independent state grant after initiation of construction, provided that:

- A. the municipality was listed on ~~the~~ a reimbursement project list ~~in the fiscal year~~ when construction began;
- B. the municipality submitted a complete grant application to the agency within 90 days after adoption or revision of the reimbursement project list; and
- C. [Unchanged.]

Subp. 4. [Unchanged.]

Subp. 5. Eligible costs. The following provisions govern eligible costs:

A. The eligible cost of any project for which a grant or state financial assistance will be awarded shall be determined by the application of applicable state and federal statutes and rules.

B. In addition to other eligible costs established by state law for combined sewer overflow abatement projects, storm water conveyance facilities that are part of the most cost effective alternative for combined sewer overflow abatement shall be eligible for state financial assistance. Such facilities shall include those structures, pipes, and appurtenances from the point of entry at the catch basin to the outlet structure which are necessary to convey up to the five-year storm.

7075.0414 GRANT APPLICATIONS.

Subpart 1. [Unchanged.]

Subp. 2. **Timing and form of application.** The following provisions govern the timing and form of grant applications:

A. A municipality on the final municipal project list for other than a combined sewer overflow project shall submit a completed construction grant application to the agency within 90 days after the date on which the agency adopts that fiscal year's municipal project list.

B. A municipality on the final municipal project list for a combined sewer overflow abatement project shall submit a completed construction grant application, or a completed application for state financial assistance, whichever is being applied for, by December 1 following agency adoption of that fiscal year's municipal project list, unless a different date is provided in the municipality's NPDES/SDS permit, in which case the deadline in the permit shall take precedence.

C. The application for federal grant funds shall be on EPA's form 5700-32, as provided by the agency.

D. The application for state grant funds shall be on the form as provided by the agency.

E. The application for state financial assistance for combined sewer overflow abatement projects shall be on the form as provided by the agency.

Subp. 3. to 5. [Unchanged.]

Subp. 6. **Additional information for Step 3 grant.** A municipality that applies for a Step 3 grant shall, in addition to submitting the completed application form, submit the following information for agency review and approval:

A. to M. [Unchanged.]

N. For municipalities applying for Step 3 federal grants for combined sewer overflow abatement projects, the following information shall also be submitted:

(1) the scope of work outlined in the list and schedule submitted the previous June 1, or in accordance with the NPDES/SDS permit;

(2) such additional scope of work that the municipality could proceed with if any additional funds become available; and

(3) the items listed in part 7075.0409, subpart 2, item C. The plans and specifications shall be for the scope of work described in subitems (1) and (2).

Subp. 6a. Additional information for state financial assistance for combined sewer overflow abatement. A municipality that applies for state financial assistance for a combined sewer overflow abatement project shall submit the following information for agency review and approval:

A. the scope of work contained in the list and schedule submitted the previous June 1, or in accordance with the NPDES/SDS permit, plus such additional scope of work as may be necessary to utilize any additional funds that may become available;

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B. that information required for a Step 3 grant under subpart 6, items A, F, G, I, and L; and

C. plans and specifications for the scope of work described in item A.

Subp. 7. and 8. [Unchanged.]

7075.0419 ADVANCES OF ALLOWANCE.

Subpart 1. to 3. [Unchanged.]

Subp. 3a. **Submittal and approval of facilities plan.** In order to receive a Step 2 advance, a municipality shall ~~comply with submit the documents listed in~~ part 7075.0409, subpart 2, ~~items A, item B, and D.~~ The facilities plan must be approved before the advance will be awarded.

Subp. 4. to 7. [Unchanged.]

7075.0428 GRANT AMOUNTS.

Subpart 1. **State matching grants.** For projects tendered on or after October 1, 1984, a federal grant at 55 percent or more of the eligible cost for construction of a treatment works, the agency shall award a state matching grant for up to an additional ~~45~~ 30 percent of the eligible cost if construction of the treatment works would otherwise impose a significant financial hardship on the municipality.

Subp. 2. **Independent state grants.** The agency may award independent state grants as follows:

A. [Unchanged.]

B. The agency may award Step 2 + 3 and Step 3 independent state grants to municipalities to pay for 50 percent of the eligible cost of construction, or, if the agency requires and the municipality is constructing advanced treatment, 65 percent of the eligible cost of construction. If construction of a treatment works would otherwise impose a significant financial hardship on a municipality, the agency may award an independent state grant to pay for up to an additional ~~45~~ 30 percent of the eligible cost of construction, or if the agency requires and the municipality is constructing advanced treatment, an additional ~~25~~ 25 percent of the eligible cost of construction.

Subp. 2a. State financial assistance for combined sewer overflow abatement projects. The agency may award state financial assistance for combined sewer overflow abatement projects as follows:

A. The agency may award state financial assistance for design of combined sewer overflow abatement projects to municipalities in an amount determined according to the same procedures for calculating an allowance under Code of Federal Regulations, title 40, part 35, appendix B.

B. Each fiscal year, municipalities eligible for financial assistance for combined sewer overflow abatement projects shall be awarded a proportionate share of the appropriation available for such projects in that fiscal year. The proportionate share for each eligible municipality is as follows:

(1) Minneapolis, 24.2 percent;

(2) Saint Paul, 71.6 percent;

(3) South Saint Paul, 4.2 percent.

C. By no later than March 31 each year, beginning in 1987, the agency shall determine whether or not each municipality that is eligible for financial assistance under this program has submitted a complete financial assistance application and either entered into construction contracts for the work if the work is to be contracted out, or issued work proceed orders if the municipality will do the work with its own employees, for enough work to allow the municipality to utilize its total pro rata share for the present fiscal year. If the agency determines that a municipality has not submitted a complete financial assistance application and entered into construction contracts or issued work proceed orders, the agency shall distribute such unuseable funds to other eligible municipalities that have submitted complete financial assistance applications to utilize such additional funds. Any municipality that is awarded additional funds shall enter into construction contracts or issue work proceed orders to utilize such funds by May 31 of the present fiscal year in order to retain the funds.

Each fiscal year, beginning in 1988, allocations to a municipality that has received additional funds shall be reduced by one-third of the total amount of additional funds that have been awarded to the municipality in earlier years. These funds shall be awarded to the municipality that was initially entitled to them. In the event that the municipality entitled to the repayment funds still has not made firm commitments to utilize the funds in that fiscal year, the municipality awarded the additional funds is not required to make the repayment. The repayment procedure set forth in this item shall continue until the municipality has repaid all additional funds that it has been awarded or until the municipality has completed its combined sewer overflow abatement projects in their entirety.

Subp. 3. **Local share.** Except as provided in part 7075.0425, in no event may a municipality that obtains a state matching grant or independent state grant be responsible for less than ~~25~~ ten percent of the eligible cost of the project.

Subp. 4. **Significant financial hardship.** The amount of a state matching grant awarded to a municipality after October 1, 1984, and the amount of a supplemental independent state grant awarded to a municipality depends on the extent to which construction of the treatment works imposes a significant financial hardship on the municipality. The determination of the financial hardship and the amount of the grant must be based on per connection capital cost, median household income, and per capita adjusted assessed valuation, in accordance with the following procedures:

A. The agency shall award a state matching grant or independent state grant for up to ~~five~~ 15 percent of the eligible cost of construction based on the municipality's per connection capital cost after bidding compared with the median per connection capital cost for all projects which accepted bids under the programs during the two years ending July 1 prior to adoption of the municipal project list on which the municipality appears. The percentage of the eligible cost to be paid for by the grant based on per connection capital cost is represented by letter A below and is determined by the following ~~table~~ formula.

Municipality Per Connection Cost × 100 : Median Per Connection Cost of Projects Bid During Previous Two Years	Percentage of Cost Funded
60-69	0.5
70-79	1.0
80-89	1.5
90-99	2.0
100-119	2.5
120-139	3.0
140-159	3.5
160-179	4.0
180-199	4.5
200 or more	5.0

$A = .10 (Z - 65)$

$\frac{\text{municipality's per connection cost} \times 100}{\text{median per connection cost of projects bid during previous two years}}$

Where Z =

$\frac{\text{municipality's per connection cost} \times 100}{\text{median per connection cost of projects bid during previous two years}}$

The percentage of the eligible costs to be paid for by the grant shall be rounded to the nearest one-tenth of one percent.

B. The agency shall award a state matching grant or independent state grant for up to ~~five~~ 15 percent of the eligible cost of construction based on the municipality's median household income compared with the state median nonmetropolitan household income. Median household income must be determined from the latest federal census. The percentage of the eligible cost to be paid for by the grant based on median household income is represented by letter B below and is determined by the following ~~table~~ formula.

Municipality Median Household Income × 100 : State Median Nonmetropolitan Household Income	Percentage of Cost Funded
100-104	0.5
95-100	1.0
90-94	1.5
85-89	2.0
80-84	2.5
75-79	3.0
70-74	3.5
65-69	4.0
60-64	4.5
95-100	1.0
90-94	1.5

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Municipality Median Household Income $\times 100 \div$ State Median Nonmetropolitan Household Income	Percentage of Cost Funded
85-89	2.0
80-84	2.5
75-79	3.0
70-74	3.5
65-69	4.0
60-64	4.5
less than 60	5.0

$B = .48(105 - X)$

municipality's median household income $\times 100$

Where X = _____

state median nonmetropolitan household income

The percentage of the eligible costs to be paid for by the grant shall be rounded to the nearest one-tenth of one percent.

C. The agency shall award a state matching grant or independent state grant for up to ~~five~~ 15 percent of the eligible cost of construction based on the municipality's per capita adjusted assessed valuation compared with the state median per capita adjusted assessed valuation. Per capita adjusted assessed valuation must be determined from the latest data available from the Department of Revenue at the time of the grant award. The percentage of the eligible cost to be paid for by the grant based on the per capita adjusted assessed valuation is represented by letter C below and is determined by the following table formula.

Municipality Per Capita Adjusted Assessed Valuation $\times 100 \div$ State Median Per Capita Adjusted Assessed Valuation	Percentage of Cost Funded
105-109	0.5
100-104	1.0
95-99	1.5
90-94	2.0
85-89	2.5
80-84	3.0
75-79	3.5
70-74	4.0
65-69	4.5
less than 65	5.0

$C = .24(110 - Y)$

municipality's per capita adjusted
assessed valuation $\times 100$

Where Y = _____

state median per capita adjusted
assessed valuation

The percentage of the eligible costs to be paid for by the grant shall be rounded to the nearest one-tenth of one percent.

7075.0433 PAYMENT OF STATE FINANCIAL ASSISTANCE FOR COMBINED SEWER OVERFLOW ABATEMENT.

The municipality may request in writing periodic payments as work on the project progresses up to 80 percent of the total amount of the financial assistance. After final inspection, the agency shall pay the remaining 20 percent after the municipality has complied with part 7075.0430, subpart 5, item C, subitems (1), (4), and (9).

REPEALER. Minnesota Rules, part 7075.0418, is repealed.

Pollution Control Agency Air Quality Division

Proposed Rules Relating to Noise Control

Notice of Withdrawal of Proposed Rule Amendments; Notice of Hearing on Proposed Rule Amendments

Notice of Withdrawal of Proposed Rule Amendments

Notice is hereby given that the rule amendments proposed by the Minnesota Pollution Control Agency ("Agency") and published in the *State Register* (9 S.R. 2058, March 18, 1985) ("March 18 draft rule amendments") are hereby withdrawn.

The Agency received more than 25 requests for a hearing on the March 18 draft rule amendments. On September 24, 1985, the Agency adopted a resolution withdrawing those proposed rule amendments and at the same time authorizing the Executive Director of the Agency to commence a rule hearing on a different set of proposed amendments to the State Noise Standards. The new set of amendments is a modified version of the March 18 draft rule amendments. In modifying the March 18 draft rule amendments, the Agency has taken into account comments received by the Agency during the comment period on the March 18 draft rule amendments.

The Notice of Hearing on the newly proposed rule amendments is published below.

Notice of Hearing on Proposed Rule Amendments

Notice is hereby given that a public hearing will be held in the above-entitled matter at St. John's Lutheran Church, 4900 Nicollet Avenue South, Minneapolis, Minnesota 55409, commencing at 9:00 a.m. on Tuesday, November 19, 1985, and continuing in an evening session at the same location starting at 7:00 p.m.; and at the St. Louis County Boardroom, Courthouse Building, Third Floor, 5th Avenue West, Duluth, Minnesota 55802, commencing at 1:00 p.m. on Thursday, November 21, 1985, and continuing in an evening session at the same location starting at 7:00 p.m. Additional days of hearing will be scheduled, if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing.

This matter will be heard by Administrative Law Judge Allan Klein, Office of Administrative Hearings, 400 Summit Bank Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, (612) 341-7609. The rule hearing procedure is governed by Minn. Stat. §§ 14.14 to 14.20 (1984) and by the rules of the Office of Administrative Hearings, Minn. Rules Parts 1400.0200 to 1400.1200 (1983). Questions concerning the rule hearing procedure should contact the Administrative Law Judge at the address and telephone number stated above.

The subject of the hearing will be the proposed amendments to rules establishing State Noise Standards. The proposed rule amendments are authorized by Minn. Stat. § 116.07, subs. 2 and 4 (1984). The proposed rule amendments are published below. One free copy of the rule amendments is available on request by contacting:

David Kelso
Minnesota Pollution Control Agency
1935 West County Road B-2
Roseville, Minnesota 55113
Telephone (612) 296-7372

Notice is hereby given that a Statement of Need and Reasonableness is now available for review at the Agency offices and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the Agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule amendments. Copies of the Statement of Need and Reasonableness may be reviewed at the Agency or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Any person may present his or her views on the proposed rule amendments in one or more of following ways: by submitting written data to the Administrative Law Judge at any time before the close of the hearing; by submitting oral or written data at the hearing; and by submitting written data to the Administrative Law Judge during the comment period following the hearing. The comment period will be not less than five working days after the public hearing ends. The comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. The written material

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received during the comment period shall be available for review at the Office of Administrative Hearings. Within three business days after the expiration of the comment period, the Agency and interested persons may respond in writing to any new information received during the comment period; however, no additional evidence may be submitted during this three-day period.

The Agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment period also submit a copy of the written data to David Kelso at the address stated above.

The proposed rule amendments may be modified if the data and views received during the hearing process warrant modification and the modification does not result in a substantial change in the proposed amendments.

Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the Agency may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the Agency at any time prior to the filing of the rules with the Secretary of State.

You are hereby advised, pursuant to Minn. Stat. § 14.115 (1984), "Small business considerations in rulemaking," that while the rules as a whole may have an impact on small business, the amendments which are being proposed at this time do not change the impacts which the existing rules may have on small businesses.

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1984) as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250 not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute contains certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

Thomas J. Kalitowski
Executive Director

Rules as Proposed (all new material)

7010.0010 INCORPORATION BY REFERENCE.

For the purpose of chapter 7010, American National Standard Institute, Acoustical Terminology, S1.1-1960 (R1976) and Specification for Sound Level Meters, S1.4-1983 are incorporated by reference. These publications are available from the American National Standard Institute, 1430 Broadway, New York, N.Y. 10018 and can be found at: the offices of the Minnesota Pollution Control Agency, 1935 West County Road B-2, Roseville, Minnesota 55113; the Government Documents Section, Room 409, Wilson Library, University of Minnesota, 309 19th Avenue South, Minneapolis, Minnesota 55454; and the State of Minnesota Law Library, Ford Building, 117 University Avenue, Saint Paul, Minnesota 55155. These documents are not subject to frequent change.

The Federal Highway Administration publication, Sound Procedures for Measuring Highway Noise: Final Report, FHWA-DP-45-IR (August 1981) is incorporated by reference. This publication is available from the United States Department of Transportation, Federal Highway Administration, 1000 North Globe Road, Arlington, Virginia 22201 and can be found at: the offices of the Minnesota Pollution Control Agency, 1935 West County Road B-2, Roseville, Minnesota 55113; the Government Documents Section, Room 409, Wilson Library, University of Minnesota, 309 19th Avenue South, Minneapolis, Minnesota 55454; and the State of Minnesota Law Library, Ford Building, 117 University Avenue, Saint Paul, Minnesota 55155. This document is not subject to frequent change.

7010.0020 DEFINITIONS.

Subpart 1. **Application.** The term used in chapter 7010 have the meanings given them in this part.

Subp. 2. **A-weighted.** "A-weighted" means a specific weighting of the sound pressure level for the purpose of determining the human response to sound. The specific weighting characteristics and tolerances are those given in American National Standards Institute S1.4-1983, section 5.1.

Subp. 3. **Daytime.** "Daytime" means those hours from 7:00 a.m. to 10:00 p.m.

Subp. 4. **dB(A).** "dB(A)" means a unit of sound level expressed in decibels (dB) and A-weighted.

Subp. 5. **Decibel.** "Decibel" has the meaning given it in American National Standard Institute SI.1-1960 (R1976), section 2.3.

Subp. 6. **Impulsive noise.** "Impulsive noise" means either a single sound pressure peak (with either a rise time less than 200 milliseconds or total duration less than 200 milliseconds) or multiple sound pressure peaks (with either rise times less than 200 milliseconds or total duration less than 200 milliseconds) spaced at least by 200 millisecond pauses.

Subp. 7. **L_{dn}.** "L_{dn}" (day, night sound level) means the equivalent A-weighted sound level during a 24-hour time period with a ten decibel weighting applied to the equivalent sound level during nighttime.

Subp. 8. **L_{eq}.** "L_{eq}" (equivalent sound level) means the constant sound level that, in 60 consecutive minutes, would convey the same sound energy as the actual time-varying A-weighted sound level.

Subp. 9. **Municipality.** "Municipality" means a county; a city; a town; a regional planning and development commission established under Minnesota Statutes, chapter 473; the metropolitan council; or other governmental subdivision of the state responsible by law for controlling or restricting land use within its jurisdiction.

Subp. 10. **Nighttime.** "Nighttime" means those hours from 10:00 p.m. to 7:00 a.m.

Subp. 11. **Person.** "Person" means a person as defined in part 7000.0100, subpart 9.

Subp. 12. **Sound pressure level.** "Sound pressure level" has the meaning given it in American National Standard Institute SI.1-1960 (R1976), section 2.6.

7010.0030 NOISE CONTROL REQUIREMENT.

No person may violate the standards established in part 7010.0040, unless exempted by Minnesota Statutes, section 116.07, subdivision 2a. Any municipality having authority to regulate land use shall take all reasonable measures within its jurisdiction to prevent the establishment of land use activities listed in noise area classification (NAC) 1 in any location where the standards established in part 7010.0040 are being or will be exceeded.

7010.0040 NOISE STANDARDS.

Subpart 1. **Scope.** These standards describe the limiting levels of sound established on the basis of present knowledge for the preservation of public health and welfare. These standards are consistent with speech, sleep, annoyance, and hearing conservation requirements for receivers within areas grouped according to land activities by the noise area classification (NAC) system established in part 7010.0050. However, these standards do not, by themselves, identify the limiting levels of impulsive noise needed for the preservation of public health and welfare. Noise standards in subpart 2 apply to all sources. For airports, the additional noise standards in subpart 3 also apply.

Subp. 2. **Noise standards.**

Noise Area Classification	Daytime	Nighttime
1	63 L _{eq}	53 L _{eq}
2	68 L _{eq}	68 L _{eq}
3	78 L _{eq}	78 L _{eq}

Subp. 3. **Additional airport noise standards.** An L_{dn} of 63, 74, and 84 for NAC 1,2,3, respectively, also applies to airports.

7010.0050 NOISE AREA CLASSIFICATION.

Subpart 1. **Applicability.** The noise area classification is based on the land use activity at the location of the receiver and determines the noise standards applicable to that land use activity unless an exception is applied under subpart 3.

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Subp. 2. **Noise area classifications.** The noise area classifications and the activities included in each classification are listed below:

Noise Area Classification	Land Use Activities
1	Residential, educational, medical, and dedicated nature areas; includes all types of nontransient housing, schools, churches, medical facilities providing nighttime care, such as hospitals and nursing homes, and nature preserves.
2	Commercial, entertainment, and recreational; includes office buildings, retail stores and services, transient lodging, medical facilities not providing nighttime care, parks, and athletic fields.
3	Industrial; includes manufacturing, utilities, transportation, and agriculture.

Subp. 3. **Exceptions.** The noise area classification for a land use may be changed in the following ways if the applicable conditions are met.

A. The daytime standards for noise area classification 1 shall be applied to noise area classification 1 during the nighttime if the land use activity does not include overnight lodging.

B. The standards for a building in a noise area classification 2 shall be applied to a building in a noise area classification 1 if the following conditions are met:

- (1) the building is constructed in such a way that the exterior to interior sound level attenuation is at least 30 dB(A);
- (2) the building has year-round climate control; and
- (3) the building has no areas or accommodations contiguous to it that are intended for outdoor activities.

C. The standards for a building in a noise area classification 3 shall be applied to a building in a noise area classification 1 if the following conditions are met:

- (1) the building is constructed in such a way that the exterior to interior sound level attenuation is at least 40 dB(A);
- (2) the building has year-round climate control; and
- (3) the building has no areas or accommodations contiguous to it that are intended for outdoor activities.

D. The standards for a building in a noise area classification 3 shall be applied to a building in a noise area classification 2 if the following conditions are met:

- (1) the building is constructed in such a way that the exterior to interior sound level attenuation is at least 30 dB(A);
- (2) the building has year-round climate control; and
- (3) the building has no areas or accommodations contiguous to it that are intended for outdoor activities.

7010.0060 MEASUREMENT METHODOLOGY.

Subpart 1. **Measurement location.** Measurement of sound must be made at or within the applicable NAC at the point of human activity which is nearest to the noise source.

Subp. 2. **Equipment specifications.** All sound level measuring devices must be certified to meet Type I, II, or S specifications under American National Standard Institute S1.4-1983.

Subp. 3. **Calibration.** All sound level measuring devices must, at a minimum, be recertified or cross-referenced according to American National Standard Institute S1.4-1983 annually. The equipment must be externally field calibrated before and after monitoring using a calibration device of known frequency and sound pressure level.

Subp. 4. **Measurement procedures.** The following procedures must be used to obtain representative sound level measurements:

A. Measurements must be made between three and five feet off the ground or surface and away from natural or manmade structures which would diminish the sound level.

B. Measurements must be made using the A-weighting and fast response characteristics of the sound measuring device as specified in American National Standard Institute S1.4-1983.

C. Measurements must not be made in sustained winds greater than 12 miles per hour or in precipitation.

D. Measurements must be made using a windscreen.

Subp. 5. **Methods for determination of hourly L_{eq} .** For the determination of an hourly L_{eq} , measurements must be made using the measuring devices as required under subpart 2 and used according to the manufacturer's recommendations.

A. Hand held measuring devices must use the checkoff method described in FHWA-DP-45-1R, section 3.6 (August 1981) for determination of hourly L_{eq} .

B. Automated or integrating measuring devices may use the checkoff method described in FHWA-DP-45-1R, section 3.6 (August 1981) or be operated in accordance with the manufacturer's recommendations for determination of hourly L_{eq} .

C. Methods equivalent to those described in subpart 5, items A and B may be used provided they are approved by the director of the Minnesota Pollution Control Agency.

Subp. 6. **Calculation of L_{dn} .** L_{dn} shall be calculated using the following formula:

$$L_{dn} = 10 \log_{10} 1/24 [(15 \times 10^d d^{10} + 9 \times 10^d n^{10})]$$

where

L_d = Ten times the \log_{10} of the average energy for the hours from 7:00 a.m. to 10:00 p.m.

L_n = Ten times the \log_{10} of the average energy for the hours from 10:00 p.m. to 7:00 a.m.

Subp. 7. **Data documentation.** A summary sheet for all sound level measurements shall be completed and signed by the person making the measurements. At a minimum, the summary sheet shall include:

- A. date;
- B. time;
- C. location;
- D. noise source;
- E. wind speed and direction;
- F. temperature;
- G. humidity;
- H. make and model of measuring equipment;
- I. field calibration results;
- J. monitored levels; and
- K. site sketch indicating noise source, measurement location, directions, distances, and obstructions.

7010.0070 SOUND ATTENUATION MEASUREMENT METHODOLOGY.

Subpart 1. **Purpose.** Sound level measurements made for assessing sound attenuation as specified in part 7010.0050, subpart 3, item B, C, or D, shall be made according to the requirements of this part.

Subp. 2. **Equipment.** The equipment shall meet the requirements specified in part 7010.0060, subpart 2.

Subp. 3. **Calibration.** The equipment must meet the calibration requirements specified in part 7010.0060, subpart 3.

Subp. 4. **Measurement procedure.** The measurement procedure described in FHWA-DP-45-1R, section 8 must be used for determination of the sound attenuation.

Subp. 5. **Equivalent methods.** Methods equivalent to those described in subpart 4 may be used provided they are approved by the director of the Minnesota Pollution Control Agency.

7010.0080 VARIANCE.

If, upon written application of the responsible person, the agency finds that by reason of exceptional circumstances strict conformity with any provisions of any noise rule would cause undue hardship, would be unreasonable, impractical, or not feasible under the circumstances, the agency may permit a variance upon the conditions and within the time limitations as it may prescribe for the prevention, control, or abatement of noise pollution in harmony with the intent of the state and any applicable federal laws.

REPEALER. Minnesota Rules, parts 7010.0100, 7010.0200, 7010.0300, 7010.0400, 7010.0500, 7010.0600, and 7010.0700 are repealed.

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Board of Teaching

Proposed Rules Relating to Education; Teaching Licensure

Notice of Hearing

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held at the St. Paul Area Vocational Technical Institute, Auditorium, 235 Marshall Avenue, Saint Paul, Minnesota 55102, on November 16, 1985, commencing at 9:00 a.m. and continuing until all interested persons have had an opportunity to be heard. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Peter C. Erickson, Administrative Law Judge, Office of Administrative Hearings, 400 Summit Bank Building, 310 Fourth Avenue South, Minneapolis, Minnesota, 55415, telephone 612/341-7606 either before the hearing or within five working days after the public hearing ends.

The Administrative Law Judge may, at the hearing, order the record be kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings. Following the close of the comment period, the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period.

During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during the three-day period. The written responses shall be added to the rulemaking record.

Upon the close of the record the Administrative Law Judge will write a report as provided for in Minnesota Statutes, section 14.50. The rule hearing is governed by Minnesota Statutes, sections 14.14 to 14.20 and by Minnesota Rules, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

NOTICE IS HEREBY GIVEN that a Statement of Need and Reasonableness is now available for review at the agency and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the agency or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

The agency intends to present only a short summary of the Statement of Need and Reasonableness at the hearing but will answer questions raised by interested persons. You are, therefore, urged to review the Statement of Need and Reasonableness before the hearing. Additional copies will be available at the hearing.

The rules will amend the Code of Ethics for Minnesota Teachers; will: establish standards for the use of licenses during employer/employee disputes; establish standards of licensure for teachers of English/language arts, teachers of special education, and school social workers; and repeal obsolete standards of licensure for teachers of English/language arts, teachers of special education, and school social workers.

The Board's authority to promulgate the proposed rules is provided by Minn. Stat. 125.05, subd. 1 and Minn. Stat. 125.185, subd. 4.

The Board estimates that there will be no cost to local bodies in the State to implement the rules for the two years immediately following their adoption within the meaning of Minn. Stat. 14.11. These proposed rules will not directly affect small businesses within the meaning of Minn. Stat. 14.115.

A copy of the proposed rules is published here. One free copy may be obtained by writing to Kenneth L. Peatross, 608 Capitol Square Building, 550 Cedar Street, Saint Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing. If you have any questions on the content of the proposed rules, contact Kenneth L. Peatross, (612) 296-2415.

Notice: Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the Board may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. The agency will give notice of the adoption of and the filing of the rules with the Secretary of State. Any person wishing to have notice of the adoption and filing may so indicate at the hearing or send a written request to the agency.

Minn. Stat. Ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. 10A.01, subd. 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any one month or more than \$250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250, not including traveling expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, MN 55155, telephone (612) 296-5615.

September 24, 1985

Kenneth L. Peatross, Executive Secretary
Board of Teaching

Rule as Proposed

8700.7500 CODE OF ETHICS FOR MINNESOTA TEACHERS.

Subpart 1. [Unchanged.]

Subp. 2. **Standards of professional conduct.** The standards of professional conduct are as follows:

A. to I. [Unchanged.]

J. A teacher shall accept a contract or assignment for a teaching position that requires licensing only if properly or provisionally licensed for that position and must not apply for nor accept the assignment of a teacher currently under contract to a school district engaged in an employer/employee dispute.

Subp. 3. to 5. [Unchanged.]

Rules as Proposed (all new material)

8700.0310 USE OF LICENSES DURING EMPLOYER/EMPLOYEE DISPUTES.

A school board must not employ a person to teach during an employer/employee dispute unless that person holds a currently valid Minnesota entrance, continuing, or life license in the subject or field and grade level for which the teacher is assigned. A school board must not employ a person to teach during an employer/employee dispute who holds a limited permit, a provisional license, or a short call substitute teaching license, or is a licensed teacher under a personnel variance, except when such a teacher was employed for at least ten consecutive school days in a school district immediately preceding the beginning of an employer/employee dispute in that school district.

TEACHER LICENSURE: ENGLISH/LANGUAGE ARTS, SPECIAL EDUCATION; SCHOOL SOCIAL WORKER

8700.3810 TEACHERS OF ENGLISH/LANGUAGE ARTS.

Subpart 1. **Licensure requirements.** A candidate recommended for licensure to teach English/language arts in secondary schools shall hold a baccalaureate degree and shall complete the requirements of item A or B.

A. Major preparation requires satisfactory completion of an English/language arts teacher preparation program approved by the Board of Teaching, consisting of a minimum of 54 quarter hours or the equivalent that must include all knowledge and skills specified in subpart 2.

B. Minor preparation requires satisfactory completion of an English/language arts teacher preparation program approved by the Board of Teaching, consisting of a minimum of 27 quarter hours or the equivalent that must include knowledge and skills specified in subpart 2, item A selected by the preparation institution; knowledge and skills specified in subpart 2, item B, subitems

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(1) and (2), (2) and (3), or (1) and (3) selected by the preparation institution; and all knowledge and skills specified in subpart 2, item C.

Subp. 2. **Program requirements.** A program leading to the licensure of teachers of English/language arts shall provide candidates recommended for licensure with the knowledge, skills, and understanding set forth in items A to C:

A. Knowledge and skills applicable to the major responsibilities of teachers of English/language arts:

(1) to teach language and writing:

(a) knowledge of theories of language development from early childhood onward with emphasis on the adolescent and of the effects of social, cultural, and economic environment on the acquisition and use of language;

(b) knowledge of the phonological, grammatical, and semantic functions of language, the uses of language, and the process of development and change in language, particularly as applied to the English language;

(c) knowledge of the various traditional and modern descriptions of the grammatical structure of the English language;

(d) knowledge of the elements of the writing process, the uses of writing, and research in written composition;

(e) knowledge of the methodologies for teaching writing and the importance of logic and reasoning to both the writing process and the written product;

(f) knowledge of a variety of strategies for efficient yet effective evaluation of student writing;

(g) the skill of writing effectively as a model for students;

(h) the skill of providing instruction and activities that will enable students to write grammatically and to adapt strategies and forms of writing to various contexts, audiences, and purposes; and

(i) the skill of responding specifically, constructively, and efficiently to students' writing for the purpose of revising and improving the writing; responding to considerations of audience, purpose, and context; and diagnosing problems in reasoning, form, structure, usage, and style as well as in syntax, diction, spelling, punctuation, and legibility.

(2) to teach literature:

(a) knowledge of a representative body of American and British literature, past and present, written for adults and for adolescents by majority and minority male and female authors, and some of the major works, in translation, if necessary, of continental and non-Western authors;

(b) knowledge of the value of literature as an art as well as the enjoyment derived from a variety of experiences and viewpoints encountered in literature; appreciation of the force and beauty of language; vicarious experience; appreciation of the commonalities and the diversities among peoples; the interpretation of human motivation; and the correlation between reading good literature and writing well;

(c) knowledge of the various methods of analysis, interpretation, and evaluation of literature;

(d) knowledge of the characteristics of various literary forms: poetry, drama, novel, short story, and essay; the kinds of literary devices; and such elements of literature as plot, theme, character, and style;

(e) in-depth study of the works of at least one major author;

(f) the skill of critical reading and informed interpretation of literature;

(g) the skill of encouraging students to respond to literature in a variety of ways: personal response and application to their own lives and experiences, teacher-directed response based on acknowledged critical theories, and response through writing and other art forms;

(h) the skill of stimulating the sharing of the enjoyment of literature;

(i) the skill of motivating students to read literature throughout their lives; and

(j) the skill of helping students understand the cultural and historical context of literary works.

B. Knowledge and skills applicable to meeting additional responsibilities of teachers of English/language arts:

(1) to improve and maintain reading and study skills:

(a) knowledge of a variety of philosophies and strategies for teaching reading at the various levels of interpretation and understanding;

(b) knowledge of sources of materials for use in teaching developmental reading and study skills;

(c) knowledge of the elements of the process of developing reading skills including word attack, vocabulary, comprehension, scope and sequence, and criterion-referenced testing;

(d) the skill of assessing the range of interests and abilities of students in reading and selecting materials and planning instruction to meet their varying needs, including the ability to analyze the readability of instructional materials;

(e) the skill of teaching students to comprehend both the stated and implied meanings of language and to identify, analyze, and use facts, implications, references, and judgments expressed through different modes of communication; and

(f) the skill of teaching students to locate resources for learning available through libraries, archives, interviews, and mass media and to use appropriate techniques for gathering, organizing, and assimilating information from such sources.

(2) to implement speaking and listening techniques in the classroom:

(a) knowledge of techniques of oral interpretation of literature and of small group and public speech communication;

(b) knowledge of the elements of the speaking and listening processes and the relationship between the two activities;

(c) the skill of using appropriate communication skills;

(d) the skill of providing general instruction and evaluation to improve students' oral interpretation of literature and their small group and public speech communication; and

(e) the skill of using techniques and activities that encourage effective discriminative, comprehensive, critical, appreciative, and empathetic listening.

(3) to teach the understanding and use of print and nonprint mass media:

(a) knowledge of the differences between print mass media and nonprint mass media and ways they can supplement each other;

(b) knowledge of the ways in which print and nonprint mass media are used to persuade and manipulate audiences;

(c) the skill of increasing student's awareness of the influence of emotional, cultural, political, and economic forces on mass media and on the individual's response to mass media; and

(d) the skill of showing students how to make discretionary use of print and nonprint mass media.

C. Skills applicable to teaching all components of English/language arts:

(1) to assess the ability of students in writing, speaking, and listening and to select materials and plan instruction to meet their varying needs;

(2) to instill habits of writing, speaking, and listening that show respect for differing regional and ethnic dialects and for each person's dignity while making available to, and enabling students to use, the dialect most appropriate for use in business, government, and education;

(3) to evaluate students' progress in reading, writing, speaking, and listening;

(4) to integrate the teaching of reading, writing, speaking, listening, and viewing so that they are mutually reinforcing; and

(5) to evaluate and use learning aids such as textbooks, computers, standardized and nonstandardized tests, projectors, and tape recorders.

Subp. 3. **Program approval for institutions.** An institution applying to the Board of Teaching for approval of its preparation program for teachers of English/language arts shall comply with part 8700.7700.

Subp. 4. **Continuing licensure.** A continuing license shall be issued and renewed according to rules of the Board of Teaching governing continuing education/relicensure.

Subp. 5. **Effective date.** This part is effective July 1, 1989, for an applicant for entrance licensure as a teacher of English/language arts.

8700.5503 SPECIAL EDUCATION: VISUALLY HANDICAPPED.

Subpart 1. **Licensure requirements.** A candidate recommended for licensure to teach visually handicapped students (prekindergarten to grade 12) shall:

A. hold a baccalaureate degree;

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B. hold a valid Minnesota elementary, secondary, or K-12 classroom teaching license, or satisfactorily complete the requirements enumerated in part 8700.5512;

C. satisfactorily complete core skill requirements in special education enumerated in part 8700.5500; and

D. satisfactorily complete a preparation program leading to the licensure of teachers of visually handicapped students, approved by the Minnesota Board of Teaching.

Subp. 2. **Program requirements; regular education.** A program leading to the licensure of teachers of visually handicapped students (prekindergarten to grade 12) shall provide candidates recommended for licensure with preparation in regular education areas as set forth in item A or B:

A. For persons who hold licensure as elementary school classroom teachers:

- (1) knowledge of adolescent growth and development;
- (2) understanding of scope and sequence of secondary curriculum; and
- (3) understanding of scope and sequence of prekindergarten curriculum.

B. For persons who hold licensure as secondary school classroom teachers or as teachers of kindergarten to grade 12 subjects:

- (1) knowledge of child growth and development;
- (2) understanding of scope and sequence of elementary curriculum, including:
 - (a) understanding of elementary language arts curriculum: listening, speaking, writing, spelling, and reading;
 - (b) understanding of basic skills in the mathematics curriculum;
 - (c) understanding of science and social studies curriculum; and
- (3) understanding of scope and sequence of prekindergarten curriculum.

Subp. 3. **Program requirements; visually handicapped.** Each program leading to the licensure of teachers of visually handicapped students (prekindergarten to grade 12) shall provide candidates recommended for licensure with preparation in the following special education areas, consisting of a minimum of 30 quarter hours, or the equivalent:

A. Special education perspectives:

- (1) understanding of the structure and function of the eye;
- (2) understanding of low vision aids and their educational use; and
- (3) knowledge of eye research and potential effects on students with visual handicaps.

B. Assessment and planning:

- (1) understanding of principles and practices for assessing visually handicapped students;
- (2) ability to assess functional vision; and
- (3) ability to evaluate and select appropriate reading modes for visually handicapped students.

C. Instructional management:

- (1) attitudes toward blindness:
 - (a) understanding of the psychological implications of blindness and low vision;
 - (b) understanding of roles of parents and siblings in supporting the growth and development of visually handicapped persons; and
 - (c) understanding of the impact of a visual handicap on the ability to function in society;
- (2) language/communication skills:
 - (a) ability to teach listening skills for visually handicapped students;
 - (b) knowledge of machines and technical aids for production of materials for visually handicapped students;
 - (c) knowledge of writing instruments and devices for visually handicapped students; and
 - (d) ability to write, read, and provide instruction in braille, utilizing accepted codes;
- (3) instruction and services:
 - (a) understanding of instructional strategies for teaching blind, low vision, and multihandicapped visually handicapped students from prekindergarten through secondary school age;

(b) understanding of instructional strategies for providing direct and indirect services to visually handicapped students;

(c) knowledge of prevocational skills, vocational education, and transition from school to post-secondary training and employment for visually handicapped students;

(d) knowledge of principles and practices of orientation and mobility activities for visually handicapped students; and

(e) understanding of instructional strategies for teaching visually handicapped students activities of daily living.

D. Communication and consultation:

(1) knowledge of roles and services provided by public and private agencies including rehabilitation agencies, volunteer organizations, and private nonprofit organizations for the blind;

(2) understanding of roles of related disciplines in the education of visually handicapped students; and

(3) ability to develop and maintain effective working relationships with large print typists, braillists, and materials center managers.

E. Prepracticum and practicum experiences:

(1) Prepracticum experiences must include a series of formal observations and directed instructional experiences with visually handicapped students.

(2) Practicum experiences must include one academic quarter or the equivalent of planning and implementing an instructional program for visually handicapped students.

(3) Upon completion of prepracticum and practicum requirements, candidates recommended for licensure shall have had experiences with:

(a) activities of visually handicapped students in a rehabilitation or sheltered work setting;

(b) an educational program at a residential school for visually handicapped students; and

(c) blind and partially sighted students in an integrated setting at prekindergarten, elementary, and secondary levels.

Subp. 4. **Program approval for institutions.** An institution applying to the Board of Teaching for approval of its preparation program for teachers of visually handicapped students shall comply with part 8700.7700.

Subp. 5. **Continuing licensure.** A continuing license shall be issued and renewed according to rules of the Board of Teaching governing continuing licenses.

Subp. 6. **Effective date.** After June 30, 1990, a person who makes application for licensure as a teacher of visually handicapped students must comply with this part.

8700.5504 SPECIAL EDUCATION: HEARING IMPAIRED.

Subpart 1. **Licensure requirements.** A candidate recommended for licensure to teach hearing impaired students (prekindergarten to grade 12) shall:

A. hold a baccalaureate degree;

B. hold a valid Minnesota elementary, secondary, or K-12 classroom teaching license, or satisfactorily complete the requirements enumerated in part 8700.5512;

C. satisfactorily complete core skill requirements in special education enumerated in part 8700.5500; and

D. satisfactorily complete a preparation program leading to the licensure of teachers of hearing impaired students, approved by the Minnesota Board of Teaching.

Subp. 2. **Program requirements; regular education.** Each program leading to the license of teachers of hearing impaired students (prekindergarten to grade 12) shall provide candidates recommended for licensure with preparation in regular education areas as set forth in item A or B:

A. For persons who hold licensure as elementary school classroom teachers:

(1) knowledge of adolescent growth and development;

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- (2) understanding of scope and sequence of secondary curriculum; and
- (3) understanding of scope and sequence of prekindergarten curriculum.

B. For persons who hold licensure as secondary school classroom teachers or as teachers of kindergarten to grade 12 subjects:

- (1) knowledge of child growth and development;
- (2) understanding of scope and sequence of elementary curriculum, including:
 - (a) understanding of elementary language arts curriculum: listening, speaking, writing, spelling, and reading;
 - (b) understanding of basic skills in the mathematics curriculum;
 - (c) understanding of science and social studies curriculum; and
- (3) understanding of scope and sequence of prekindergarten curriculum.

Subp. 3. **Program requirements; hearing impaired.** Each program leading to the licensure of teachers of hearing impaired students (prekindergarten to grade 12) shall provide candidates recommended for licensure with preparation in the following special education areas, consisting of a minimum of 30 quarter hours, or the equivalent.

A. Special education perspectives:

- (1) theory of linguistics:
 - (a) ability to demonstrate a minimum level of proficiency in the structure of linguistic systems, including, but not limited to, the English language and the American sign language;
 - (b) ability to use the fundamentals of language development in instructional settings; and
 - (c) ability to apply knowledge acquired regarding the disorders of language development to instructional settings with hearing impaired students;
- (2) understanding of the educational, social, and psychological impacts of mild to profound hearing impairment on prelingual students;
- (3) knowledge of the educational, social, and psychological implications of hearing loss in family organization and management;
- (4) fundamentals of reading:
 - (a) knowledge regarding normal development of reading skills;
 - (b) ability to utilize current principles and procedures in assessment of reading difficulties in hearing impaired students; and
 - (c) ability to design and implement strategies to remediate individual reading difficulties in hearing impaired students;
- (5) fundamentals of speech and hearing:
 - (a) knowledge of speech and hearing mechanisms, their structures, common pathologies, and normal and abnormal functions;
 - (b) understanding of theories of various strategies of hearing and speech habilitation;
 - (c) understanding the impact of common neurological disorders and pathologies upon the visual, speech, and hearing modalities;
 - (d) understanding the principles of amplification to compensate for hearing loss;
 - (e) knowledge of the transmission and reproduction of speech and other sounds, the physical and psychological aspects of sound including methods of displaying, representing, and recording these characteristics; and
 - (f) knowledge of audiological and medical management of hearing impairments.

B. Assessment and planning:

- (1) ability to assess phonological, morphological, syntactical, and semantic development of language of hearing impaired students;
- (2) ability to select assessment procedures, instruments, and apply the assessment results to develop an educational program for hearing impaired students;
- (3) ability to assess hearing aids, auditory training equipment, electro-mechanical devices, media and materials, and their effectiveness in the educational setting;

- (4) knowledge of procedures for assessing, testing, and reporting hearing and speech functioning;
- (5) ability to use the results of assessments reports from related service areas in developing educational programs;
- (6) knowledge of the various systems used by public agencies to screen for hearing loss in children, with emphasis on early detection and prevention; and
- (7) understanding of the need for early assessment in the sensory and physical areas in order to plan for the development of alternative modalities to compensate for hearing loss.

C. Instructional management:

- (1) ability to use alternative communication systems, such as sign language, finger spelling, and speech reading, and manage their use;
 - (2) ability to prescribe alternative communication systems and manage their use by others;
 - (3) ability to use and prescribe behavior management techniques appropriate for hearing impaired students;
 - (4) ability to select, use, and manage age appropriate teaching strategies for language growth;
 - (5) understanding of developmental, remedial, and intervention strategies to develop educational programs;
 - (6) ability to provide for the early development of visual, speech, and auditory modalities to compensate for hearing loss;
- and
- (7) ability to develop, modify, implement and evaluate curriculum appropriate for the hearing impaired;
 - (a) ability to instruct at the prekindergarten and elementary levels with emphasis on developing language and reading skills, using both school and home based systems;
 - (b) ability to provide for the development of prevocational skills, vocational education, and transition from school to post-secondary training and employment;
 - (c) ability to modify secondary content areas and curriculum materials to meet needs of hearing impaired students;
 - (d) ability to design, manage, and use speech development systems for the habilitation and rehabilitation of speech handicaps in hearing impaired students;
 - (e) ability to design, manage, and apply auditory training in compensating for hearing loss;
 - (f) ability to use amplification to develop residual hearing, compensate for hearing loss, and improve auditory discrimination; and
 - (g) ability to operate electro-mechanical devices to improve instruction in all educational areas.

D. Communication and consultation:

- (1) ability to effectively communicate the educational needs of hearing impaired students to parents, special educators, regular educators, and other individuals or groups;
- (2) ability to supervise and manage the use of paraprofessionals in hearing impaired programs; and
- (3) ability to involve parents in the educational program through planned communication, participation in meetings, and reinforcement of skills in the home.

E. Prepracticum and practicum experiences:

- (1) Prepracticum experiences shall include a series of formal observations and directed instructional experiences with hearing impaired students.
- (2) Practicum experiences shall include one academic quarter or the equivalent of planning and implementing an instructional program for hearing impaired students.
- (3) Upon completion of the prepracticum and practicum requirements, candidates recommended for licensure shall have had experiences with:
 - (a) deaf and multihandicapped hearing impaired students in residential, social, and vocational settings;

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(b) mild, moderate, severe/profound, and multihandicapped hearing impaired students in educational settings; and

(c) prekindergarten, elementary, and secondary hearing impaired students in itinerant, resource, and self-contained settings.

Subp. 4. **Program approval for institutions.** An institution applying to the Board of Teaching for approval of its preparation program for teachers of hearing impaired students shall comply with part 8700.7700.

Subp. 5. **Continuing licensure.** A continuing license shall be issued and renewed according to rules of the Board of Teaching governing continuing licenses.

Subp. 6. **Effective date.** After June 30, 1990, a person who makes application for licensure as a teacher of hearing impaired students must comply with this part.

8700.5505 SPECIAL EDUCATION; COMMUNICATION DISORDERS.

Subpart 1. **Licensure requirements.** A candidate recommended for licensure to teach students with communication disorders (prekindergarten to grade 12) shall:

A. hold a baccalaureate degree;

B. satisfactorily complete core skill requirements in special education enumerated in part 8700.5500; and

C. satisfactorily complete a preparation program leading to the licensure of teachers of students with communication disorders, approved by the Board of Teaching.

Subp. 2. **Program requirements; regular education.** Each program leading to the licensure of teachers of special education: communication disorders (prekindergarten to grade 12) shall provide candidates recommended for licensure with preparation in the following regular education areas:

A. knowledge of education and the school as an institution in the context of a changing, pluralistic society;

B. knowledge of elementary and secondary curriculum areas with emphasis on reading and language arts; and

C. The profession of teaching, consisting of basic knowledge of the professional responsibilities of a teacher, both within and beyond the instructional setting, and including:

(1) a minimum level of proficiency in the written English language;

(2) understanding of the responsibilities of the individual teacher to clients served, to the employing school district and its administration, and to the teaching profession;

(3) understanding of the legal rights of students, parents, administrators; school boards, and teachers;

(4) understanding of the essential statutes, rules, and legal procedures affecting the preparation, licensure, and relicensure of teachers, and the teacher as a public employee; and

(5) understanding of the purposes of the major education professional organizations and learned societies and their contributions to education and the education profession.

Subp. 3. **Program requirements; communication disorders.** Each program leading to the licensure of teachers of students with communication disorders (prekindergarten to grade 12) shall provide candidates recommended for licensure with preparation in the following special education areas, consisting of a minimum of 60 quarter hours, or the equivalent.

A. Special education perspectives:

(1) understanding of the normal and abnormal acquisition and development of speech, language, and hearing;

(2) understanding of the theoretical foundations of human communication;

(3) understanding of the psychological, social, and cultural aspects of speech, language, and hearing development;

(4) understanding of the anatomical, physiological, and neurological bases of speech, language, and hearing;

(5) understanding of the causes, manifestations, and classifications of disorders of speech, language, and hearing;

(6) understanding of major learning theories as they relate to normal and abnormal acquisition and development of speech, language, and hearing;

(7) understanding of the theoretical foundations and normal sequence of cognitive development in relationship to language acquisition and development; and

(8) understanding of the assumptions and procedures underlying scientific inquiry, particularly as they relate to the measurement and manipulation of human behavior.

B. Assessment, planning, and instructional management:

- (1) ability to utilize current principles, procedures, and instruments in assessment, planning, and instructional management for students with communication disorders, including disorders of articulation, disorders of voice, disorders of language and interrelated cognitive disorders, disorders related to hearing impairment, and disorders of time, rate, or fluency;
- (2) ability to provide nondiscriminatory assessment, planning, and management appropriate to the student's racial, social, cultural, linguistic or handicapping characteristics;
- (3) ability to design and implement programs that will attempt to lower the incidence of communication disorders;
- (4) ability to design and implement various service delivery systems;
- (5) ability to assess, plan for, and manage instructional programs for students with multiple communication disorders;
- (6) understanding the effect of other disabilities on communication and the relationship of that effect to assessment, planning, and instructional management;
- (7) ability to design and implement remedial strategies to improve communication of students with multiple disorders;
- (8) ability to select appropriate alternative communication systems for implementation with diverse populations;
- (9) ability to use and maintain appropriate appliances and instrumentation in assessment, planning, and instructional management for students with communication disorders;
- (10) ability to apply learning and behavior theories in assessment, planning, and instructional management for students with communication disorders; and
- (11) knowledge of organization and administration of speech, language, and hearing programs in various professional settings.

C. Communication and consultation:

- (1) ability to integrate speech, language, and hearing services with other services;
 - (2) ability to work with parents, teachers, and others in serving students with communication disorders;
 - (3) ability to design data collection systems that allow evaluation of the effectiveness of a student's program;
 - (4) ability to design data collection systems that allow evaluation of services for students with communication disorders;
 - (5) ability to provide consultation to others to improve and maintain a student's function in speech, language, and hearing;
- and
- (6) ability to interact with other agencies to maximize services for students.

D. Prestudent teaching and student teaching experiences:

- (1) Prestudent teaching experiences shall include a series of formal observations and directed instructional experiences with students with communication disorders.
- (2) Student teaching experiences shall include full-day experiences for one academic quarter or the equivalent of planning and implementing an instructional program for students with communication disorders.
- (3) Upon completion of prestudent teaching and student teaching requirements, candidates recommended for licensure shall have had experiences with prekindergarten, elementary, and secondary school students who represent a full range of severity of disorders of voice, articulation, hearing loss, time/rate/fluency, and language and its cognitive correlates.

Subp. 4. **Program approval for institutions.** An institution applying to the Board of Teaching for approval of its preparation program for teachers of students with communication disorders shall comply with part 8700.7700.

Subp. 5. **Continuing licensure.** A continuing license shall be issued and renewed according to rules of the Board of Teaching governing continuing licenses.

Subp. 6. **Effective date.** After June 30, 1990, a person who makes application for licensure as a teacher of students with communication disorders must comply with this part.

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8700.5506 SPECIAL EDUCATION: MODERATE TO SEVERE MENTALLY HANDICAPPED.

Subpart 1. **Licensure requirements.** A candidate recommended for licensure to teach moderate to severe mentally handicapped students (kindergarten to grade 12) shall:

- A. hold a baccalaureate degree;
- B. satisfactorily complete core skill requirements in special education enumerated in part 8700.5500; and
- C. satisfactorily complete a preparation program leading to the licensure of teachers of moderate to severe mentally handicapped students, consisting of a minimum of 45 quarter hours, or the equivalent, in subparts 2 and 3.

Subp. 2. **Program requirements; regular education.** Each program leading to the licensure of teachers of moderate to severe mentally handicapped students (kindergarten to grade 12) shall provide candidates recommended for licensure with preparation in the following regular education areas:

A. Foundational studies, consisting of basic knowledge that underlies the study of education and teaching. It includes all of the following:

- (1) the study of human growth and development, including typical and atypical patterns of development from early childhood through adolescence;
- (2) the study of the learning process, with emphasis on physical, intellectual, emotional, and social difference in students; and
- (3) the study of education and the school as an institution in the context of a changing pluralistic society.

B. The profession of teaching, consisting of basic knowledge of the professional responsibilities of a teacher, both within and beyond the instructional setting. It includes all of the following:

- (1) a minimum level of proficiency in the written English language;
- (2) skills necessary to communicate and interact with staff members, resource personnel, parents, and other members of the community in order to meet the individual needs of students;
- (3) skills to evaluate self- and peer-teaching performance;
- (4) responsibilities of the individual teacher to clients served, to the employing school district and its administration, and to the teaching profession;
- (5) legal rights of students, parents, administrators, school boards, and teachers;
- (6) essential statutes, rules, and legal procedures affecting the preparation, licensure, and relicensure of teachers, and the teacher as a public employee; and
- (7) purposes of the major education professional organizations and learned societies and their contributions to education and the education profession.

Subp. 3. **Program requirements; moderate to severe mentally handicapped.** Each program leading to the licensure of teachers of moderate to severe mentally handicapped students (kindergarten to grade 12) shall provide candidates recommended for licensure with preparation in the following special education areas:

A. Special education perspectives:

- (1) understanding of mental retardation and neurological disorders and their educational implications;
- (2) knowledge of medical management needs, health difficulties, and drug and chemotherapy treatment of moderate to severe mentally handicapped students;
- (3) understanding the impact of moderate to severe mentally handicapped students on the family organization and management;
- (4) knowledge of the education implications of sensory impairments and emotional/behavioral problems in serving moderate to severe mentally handicapped students;
- (5) understanding of prosthetic and technical devices and their educational implications for the handicapped;
- (6) understanding of basic medical conditions associated with moderate to severe mentally handicapped students, including functional behavior and motor performance; and
- (7) understanding of the need for transitional planning as it relates to employment, community living, and social opportunities and options as students move to adult agencies and services.

B. Assessment and planning:

(1) ability to assess student performance:

(a) ability to determine educational needs, learning styles, and learning modes of students through the selection, administration, and interpretation of assessment procedures;

(b) ability to observe and analyze student living and learning environments and responses to specific instructional techniques;

(c) ability to utilize comprehensive clinical reports in program planning;

(2) ability to evaluate the effectiveness of instructional strategies and procedures for students with moderate to severe mental handicaps;

(3) knowledge of ways to adapt instruments and procedures for the specialized needs of handicapped students;

(4) ability to observe the social and adaptive behavior of students attributed to handicapping condition and develop a management plan;

(5) ability to plan a sequential learning program for moderate to severe mentally handicapped students;

(a) ability to establish long- and short-term goals in each area of growth and development;

(b) ability to plan and sequence activities which will accomplish objectives; and

(c) ability to prescribe educational outcomes that are realistic in consideration of severity.

C. Instructional management:

(1) understanding of techniques for stimulating language development;

(2) knowledge of alternative and augmentative communication systems and their management;

(3) ability to apply alternative and augmentative communication systems to instruction;

(4) ability to expand student awareness of the environment through stimulation techniques;

(5) ability to elicit a variety of responses appropriate to the capability of students to indicate an awareness of the environment;

(6) ability to utilize behavior management techniques appropriate for moderate to severe mentally handicapped students;

(7) ability to implement recommended mobility techniques and resolve architectural barriers in the educational setting;

(8) ability to assure that personal equipment is functional;

(9) ability to use physical positioning for optimal learning;

(10) ability to manage student self-care, health, and safety needs;

(11) ability to teach self-help maintenance skills;

(12) ability to develop, implement, and evaluate age-appropriate curriculum for moderate to severe mentally handicapped students;

(a) ability to utilize and integrate art, music, and body movement in instruction;

(b) ability to provide for the development of recreation and leisure-time skills;

(c) ability to provide for the development of socialization skills;

(d) ability to provide for the development of functional preacademic, basic academic, and literacy skills;

(e) ability to provide for the development of prevocational skills, career planning, and transition from school to post-secondary training and employment;

(f) ability to provide for the development of independent living skills, to include transition to and integration into the community;

(g) ability to integrate related services in curriculum areas;

(h) ability to design curriculum strategies which are age-appropriate;

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(i) knowledge of current technological aids and equipment available for use with students with concomitant physical handicaps; and

(13) knowledge of implications of limited physical movement and environment stimulation on the learning processes of physically handicapped students.

D. Communication and consultation:

(1) understanding of how to access school/community resources which will enhance programs for moderate to severe mentally handicapped students;

(2) ability to supervise paraprofessionals;

(3) ability to involve parents in the instructional program through planned communication, participation in meetings, and reinforcement of skills in the home;

(4) ability to develop and implement home-based instructional programs;

(5) ability to develop and maintain effective working relationships with teachers, related services, medical, and support personnel; and

(6) understanding of roles of related disciplines and the implications of data provided to educational programming.

E. Prestudent teaching and student teaching experiences:

(1) Prestudent teaching experiences shall include a series of formal observations and directed instructional experiences with moderate to severe mentally handicapped students.

(2) Student teaching experiences shall include full-day experiences for one academic quarter or the equivalent of planning and implementing an instructional program for moderate to severe mentally handicapped students.

(3) Upon completion of prestudent teaching and student teaching requirements, candidates recommended for licensure shall have had experiences with:

(a) service agencies outside of public school programs;

(b) related services such as rehabilitation units, physical therapy, occupational therapy, and speech therapy; and

(c) home- and school-based settings at the elementary and secondary levels.

Subp. 4. **Program approval for institutions.** An institution applying to the Board of Teaching for approval of its preparation program for teachers of moderate to severe mentally handicapped students shall comply with part 8700.7700.

Subp. 5. **Continuing licensure.** A continuing license shall be issued and renewed according to rules of the Board of Teaching governing continuing licenses.

Subp. 6. **Persons holding licensure as teachers of trainable mentally retarded students.** Persons holding current valid Minnesota licenses as teachers of trainable mentally retarded students may apply for and shall be granted licenses as teachers of moderate to severe mentally handicapped students.

Subp. 7. **Effective date.** After June 30, 1990, a person who makes application for licensure as a teacher of moderate to severe mentally handicapped students must comply with this part.

8700.5507 SPECIAL EDUCATION: PHYSICALLY HANDICAPPED.

Subpart 1. **Licensure requirements.** A candidate recommended for licensure to teach physically handicapped students (kindergarten to grade 12) shall:

A. hold a baccalaureate degree;

B. hold a valid Minnesota elementary, secondary, or K-12 classroom teaching license, or satisfactorily complete the requirements enumerated in part 8700.5512;

C. hold a valid Minnesota special education teaching license;

D. satisfactorily complete core skill requirements in special education enumerated in part 8700.5500; and

E. satisfactorily complete a preparation program leading to the licensure of teachers of physically handicapped students approved by the Minnesota Board of Teaching.

Subp. 2. **Program requirements; physically handicapped.** Each program leading to the licensure of teachers of physically handicapped students (kindergarten to grade 12) shall provide candidates recommended for licensure with preparation in the following special education areas consisting of a minimum of 15 quarter hours, or the equivalent:

A. Special education perspectives:

- (1) understanding of human anatomy and kinesiology;
- (2) understanding of fine, gross, and sensorimotor development and their implications for selecting curricula; and
- (3) understanding of the educational implications of severe motor impairment in physically handicapped students.

B. Assessment and planning:

- (1) ability to develop and administer programs that consider the unique needs of physically handicapped students;
- (2) ability to assess physical function as it relates to classroom mobility, daily living skills, and educational and prevocational planning;
- (3) understanding of major tests utilized to measure motoric, auditory, visual, and other learning modalities; and
- (4) ability to select appropriate materials and provide assessment and counseling for physically handicapped students including prevocational and vocational counseling, career planning, and transition from school to post-secondary training and employment.

C. Instructional management:

- (1) Attitudes toward the physically handicapped:
 - (a) understanding of the psychological implications of physical disability and its implications for individuals, family, and society;
 - (b) understanding roles of parents and siblings in supporting growth and development of the physically handicapped;
 - (c) understanding the impact of a physical handicap on the ability to meaningfully function in society; and
 - (d) understanding the unique problems of adolescent physically handicapped students and their social and emotional implications.
- (2) Instructional strategies:
 - (a) understanding of various impairments and their individual effects on learning, including consideration of the technological and physical care needs;
 - (b) understanding of current machines, technical aids, and prosthetic devices used by the physically handicapped and ability to select appropriate aids for instruction; and
 - (c) understanding of alternative forms of recording written communication including ability to teach adaptive typing and alternate forms of handwriting.
- (3) Instruction and services:
 - (a) ability to develop, select, and use differentiated program options and instructional strategies for physically handicapped students of differing abilities and needs;
 - (b) ability to select and use methods and materials in reading and mathematics that are appropriate for specific types of problems inherent in dealing with children with multiple physical handicaps;
 - (c) knowledge of the implications of limited physical movement and environmental stimulation on the learning processes of physically handicapped students;
 - (d) ability to develop instructional resources to implement adaptive physical education and sensorimotor programs with physically handicapped students in coordination with therapeutic goals;
 - (e) ability to select, adapt, use, and maintain equipment and facilities essential for the instruction of physically handicapped students;
 - (f) ability to integrate independent living, self-help skills, orientation, and mobility into curriculum;
 - (g) ability to motivate physically handicapped students to utilize physical and mental skills to maximum ability with minimal dependence on others;
 - (h) ability to adapt and locate adapted versions of standardized tests for use with physically handicapped students; and

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(i) ability to adapt creative and expressive activities in order to enable meaningful participation of physically handicapped students, with emphasis on art, music, adaptive physical education, and leisure-time interests.

D. Prepracticum and practicum experiences:

(1) Prepracticum experiences shall include a series of formal observations and directed instructional experiences with physically handicapped students.

(2) Practicum experiences shall include one academic quarter or the equivalent of planning and implementing an instructional program for physically handicapped students.

(3) Upon completion of prepracticum and practicum requirements, candidates recommended for licensure shall have had experiences with:

(a) related services such as rehabilitation units, physical therapy, and occupational therapy; and

(b) elementary and secondary physically handicapped students throughout the range of educational program alternatives.

Subp. 3. **Program approval for institutions.** An institution applying to the Board of Teaching for approval of its preparation program for teachers of physically handicapped students shall comply with part 8700.7700.

Subp. 4. **Continuing licensure.** A continuing license shall be issued and renewed according to rules of the Board of Teaching governing continuing licenses.

Subp. 5. **Effective date.** After June 30, 1990, a person who makes application of licensure as a teacher of physically handicapped students must comply with this part.

8700.5508 SPECIAL EDUCATION: MILD TO MODERATE MENTALLY HANDICAPPED.

Subpart 1. **Licensure requirements.** A candidate recommended for licensure to teach mild to moderate mentally handicapped students (kindergarten to grade 12) shall:

A. hold a baccalaureate degree;

B. hold a valid Minnesota elementary, secondary, or K-12 classroom teaching license, or satisfactorily complete the requirements enumerated in part 8700.5512;

C. satisfactorily complete core skill requirements in special education enumerated in part 8700.5500; and

D. satisfactorily complete a preparation program leading to the licensure of teachers of mild to moderate mentally handicapped students, approved by the Minnesota Board of Teaching.

Subp. 2. **Program requirements; regular education.** Each program leading to the licensure of teachers of mild to moderate mentally handicapped students (kindergarten to grade 12) shall provide candidates recommended for licensure with preparation in regular education areas as set forth in item A or B.

A. For persons who hold licensure as elementary school classroom teachers:

(1) knowledge of adolescent growth and development; and

(2) understanding of scope and sequence of secondary curriculum.

B. For persons who hold licensure as secondary school classroom teachers or as teachers of kindergarten to grade 12 subjects:

(1) knowledge of child growth and development; and

(2) understanding of scope and sequence of elementary curriculum, including:

(a) understanding of elementary language arts curriculum: listening, speaking, writing, spelling, and reading;

(b) understanding of basic skills in the mathematics curriculum; and

(c) understanding of science and social studies curriculum.

Subp. 3. **Program requirements; mild to moderate mentally handicapped.** Each program leading to the licensure of teachers of mild to moderate mentally handicapped students (kindergarten to grade 12) shall provide candidates recommended for licensure with preparation in the following special education areas, consisting of a minimum of 30 quarter hours, or the equivalent:

A. Special education perspectives:

(1) understanding of mental retardation and its educational implications;

(2) knowledge of speech, language, hearing, and vision impairments and their educational implications; and

(3) understanding of the need for transitional planning as it relates to employment, community living, and social opportunities and options as students move to adult agencies and services.

B. Assessment and planning:

(1) ability to determine educational performance by selection, administration, and interpretation of appropriate educational assessments;

(2) ability to select, administer, and interpret formal and informal diagnostic instruments to measure skills in social, cognitive, and behavioral areas;

(3) ability to translate assessment data into recommendations for educational programming;

(4) ability to construct long- and short-range goals for individual students; and

(5) ability to plan a sequential learning program for students with mild to moderate mental handicaps.

C. Instruction and management:

(1) ability to develop a scope and sequence for individualized programming in basic reading, mathematics, oral and written expression, and listening comprehension;

(2) ability to teach basic reading, mathematics, oral and written expression, and listening comprehension;

(3) ability to select, design, and modify appropriate developmental, corrective, and remedial curriculum materials;

(4) ability to help students transfer learned skills and monitor their progress in mainstream instructional programs;

(5) ability to help regular classroom teachers implement proposed curriculum modifications;

(6) ability to recognize and manage behavioral, emotional, and social needs of mild to moderate mentally handicapped students;

(7) ability to select, modify, and implement various behavior management strategies;

(8) ability to use materials designed for skill development in the social areas;

(9) ability to construct instructional sequences to teach general prevocational skills;

(10) knowledge of age-appropriate vocational instructional materials;

(11) ability to integrate career/vocational instruction with physical, mental, social, and academic levels of student development, and plan for the transition from school to post-secondary training and employment; and

(12) ability to teach self-help, daily living, and family management skills.

D. Communication and consultation:

(1) ability to develop and maintain effective working relationships with paraprofessionals, teachers, supervisors, administrators, related services personnel, parents, and community resource personnel;

(2) ability to help students and their parents develop realistic expectations in academic and occupational areas; and

(3) knowledge of and ability to communicate with community and governmental agencies, volunteer and nonprofit groups, and parent organizations that provide supportive services.

E. Prepracticum and practicum experiences:

(1) Prepracticum experiences shall include a series of formal observations and directed instructional experiences with mild to moderate mentally handicapped students.

(2) Practicum experience shall include one academic quarter, or the equivalent, of planning and implementing an instructional program for mild to moderate mentally handicapped students.

(3) Upon completion of prepracticum and practicum requirements, candidates recommended for licensure shall have had experiences throughout the range of program alternatives with elementary and secondary mild to moderate handicapped students.

Subp. 4. **Program approval for institutions.** An institution applying to the Board of Teaching for approval of its preparation program for teachers of mild to moderate mentally handicapped students shall comply with part 8700.7700.

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Subp. 5. **Continuing licensure.** A continuing license shall be issued and renewed according to rules of the Board of Teaching governing continuing licenses.

Subp. 6. **Persons holding licensure as teachers of educable mentally retarded students.** Persons holding current valid Minnesota licenses as teachers of educable mentally retarded students may apply for and shall be granted licenses as teachers of mild to moderate mentally handicapped students.

Subp. 7. **Effective date.** After June 30, 1990, a person who makes application for licensure as a teacher of mild to moderate mentally handicapped students must comply with this part.

8700.5509 SPECIAL EDUCATION: EMOTIONALLY/BEHAVIORALLY DISORDERED.

Subpart 1. **Licensure requirements.** A candidate recommended for licensure to teach emotionally/behaviorally disordered students (kindergarten to grade 12) shall:

A. hold a baccalaureate degree;

B. hold a valid Minnesota elementary, secondary, or K-12 classroom teaching license, or satisfactorily complete the requirements enumerated in part 8700.5512;

C. satisfactorily complete core skill requirements in special education enumerated in part 8700.5500; and

D. satisfactorily complete a preparation program leading to the licensure of teachers of emotionally/behaviorally disordered students, approved by the Minnesota Board of Teaching.

Subp. 2. **Program requirements; regular education.** Each program leading to the licensure of teachers of emotionally/behaviorally disordered students (kindergarten to grade 12) shall provide candidates recommended for licensure with preparation in regular education areas as set forth in item A or B:

A. For persons who hold licensure as elementary school classroom teachers:

- (1) knowledge of adolescent growth and development; and
- (2) understanding of scope and sequence of secondary curriculum.

B. For persons who hold licensure as secondary school classroom teachers or as teachers of kindergarten to grade 12 subjects:

- (1) knowledge of child growth and development; and
- (2) understanding of scope and sequence of elementary curriculum, including
 - (a) understanding of elementary language arts curriculum: listening, speaking, writing, spelling, and reading.
 - (b) understanding of basic skills in the mathematics curriculum; and
 - (c) understanding of science and social studies curriculum.

Subp. 3. **Program requirements; emotionally/behaviorally disordered.** Each program leading to the licensure of teachers of emotionally/behaviorally disordered students (kindergarten to grade 12) shall provide candidates recommended for licensure with preparation in the following special education areas, consisting of a minimum of 30 quarter hours, or the equivalent:

A. Special education perspectives:

- (1) understanding of normal personality and social development;
- (2) understanding the social and emotional impact of cultural differences on behavior;
- (3) understanding behavioral/emotional problems and psychopathology of childhood and adolescence;
- (4) knowledge of the interaction of emotional disturbance/behavior disorders with other handicaps;
- (5) understanding of the relationship between chemical dependency and behavioral/emotional problems; and
- (6) understanding of delinquent behavior and theory and processes of the correctional system.

B. Assessment and planning:

- (1) ability to utilize formal and informal assessment techniques in obtaining information necessary for educational and behavioral programming for individual students;
- (2) ability to establish and maintain a systematic procedure for compiling data on a student or group of students for the purpose of continuous evaluation of behavior;
- (3) ability to implement procedures for assessing both appropriate and problematic social behaviors;
- (4) ability to evaluate and document change in pupil behavior in both academic and social areas;

- (5) knowledge of psychometric instruments utilized in the assessment of emotional disturbance/behavioral problems;
- (6) ability to observe and record pupil behavior utilizing different social rating systems;
- (7) ability to work on a team with a psychologist or psychiatrist to plan, explain, direct, and implement procedures for the identification of emotionally/behaviorally disordered children in a school population;
- (8) knowledge of major tests utilized to measure motoric, auditory, and visual learning modalities;
- (9) ability to administer and interpret results of achievement and diagnostic tests in the areas of reading, language arts, and mathematics;
- (10) ability to translate assessment data into recommendations for educational programming;
- (11) ability to construct long- and short-range objectives for individual students for each of the three domains: cognitive, affective, and motor;
- (12) ability to state instructional goals, set priorities for teaching, and state a criterion level for mastery of each task to be presented to the student;
- (13) ability to develop and implement an instructional sequence to teach appropriate social behavior for a child based on assessment and observation;
- (14) ability to select and implement a sequence of learning activities to remedy specific deficits in basic skills for each student or group of students; and
- (15) ability to establish a reinforcement hierarchy for each student.

C. Instruction and management:

- (1) ability to determine for each student a reinforcement preference and to use different reinforcers to change and maintain behavior;
- (2) ability to select and implement remedial techniques in academic skill areas with students;
- (3) ability to establish and maintain individual student attention while programming for a group;
- (4) knowledge of proven teaching techniques including the rationale behind their use and the ability to use them for various academic areas;
- (5) knowledge of the theory and rationale underlying various reading approaches;
- (6) ability to assist parents in understanding and supporting the implementation of proposed management modifications;
- (7) ability to assist regular classroom teachers in the implementation of proposed curriculum/management modifications;
- (8) ability to use role playing, individual and group counseling techniques, play groups, behavior modification, contracts, time-out, isolation and other techniques in managing presenting behavior and specific educational-social problems;
- (9) knowledge of the rationale, program components, operation, and evaluation of various program models;
- (10) ability to use materials designed for skill development in the social areas;
- (11) ability to construct instructional sequences to teach general prevocational skills based upon cognitive, affective, and academic strengths of each student;
- (12) knowledge of age-appropriate vocational instructional materials and the ability to plan for transition from school to post-secondary training and employment; and
- (13) ability to collaborate effectively with clinical personnel in monitoring program appropriateness and effectiveness.

D. Communication and consultation:

- (1) ability to develop and maintain effective working relationships with paraprofessionals, teachers, supervisors, administrators, related services personnel, parents, and community resource personnel;
- (2) knowledge of and ability to communicate with and about community resources that serve students with emotional/behavioral problems; and

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(3) ability to interact and communicate with personnel involved in court services, interagency meetings and placement planning.

E. Prepracticum and practicum experiences:

(1) Prepracticum experiences shall include a series of formal observations and directed instructional experiences with emotionally/behaviorally disordered students.

(2) Practicum experiences shall include one academic quarter, or the equivalent, of planning and implementing an instructional program for emotionally/behaviorally disordered students.

(3) Upon completion of prepracticum and practicum requirements, candidates recommended for licensure shall have had experiences throughout the range of program alternatives with elementary and secondary emotionally/behaviorally disordered students.

Subp. 4. **Program approval for institutions.** An institution applying to the Board of Teaching for approval of its preparation program for teachers of emotionally-behaviorally disordered students shall comply with part 8700.7700.

Subp. 5. **Continuing licensure.** A continuing license shall be issued and renewed according to rules of the Board of Teaching governing continuing licenses.

Subp. 6. **Effective date.** After June 30, 1990, a person who makes application for licensure as a teacher of emotionally/behaviorally disordered students must comply with this part.

8700.5510 SPECIAL EDUCATION: SPECIFIC LEARNING DISABILITIES.

Subpart 1. **Licensure requirements.** A candidate recommended for licensure to teach specific learning disabled students (kindergarten to grade 12) shall:

A. hold a baccalaureate degree;

B. hold valid Minnesota elementary, secondary, or K-12 classroom teaching license, or satisfactorily complete the requirements enumerated in part 8700.5512;

C. satisfactorily complete core skill requirements in special education enumerated in part 8700.5500; and

D. satisfactorily complete a preparation program leading to the licensure of teachers of specific learning disabled students, approved by the Minnesota Board of Teaching.

Subp. 2. **Program requirements; regular education.** Each program leading to the licensure of teachers of specific learning disabled students (kindergarten to grade 12) shall provide candidates recommended for licensure with preparation in regular education areas as set forth in item A or B:

A. For persons who hold licensure as elementary school classroom teachers:

(1) knowledge of adolescent growth and development; and

(2) understanding of scope and sequence of secondary curriculum.

B. For persons who hold licensure as secondary school classroom teachers or as teachers of kindergarten to grade 12 subjects:

(1) knowledge of child growth and development; and

(2) understanding of scope and sequence of elementary curriculum, including:

(a) understanding of elementary language arts curriculum: listening, speaking, writing, spelling, and reading;

(b) understanding of basic skills in the mathematics curriculum; and

(c) understanding of science and social studies curriculum.

Subp. 3. **Program requirements; specific learning disabilities.** Each program leading to the licensure of teachers of specific learning disabled students (kindergarten to grade 12) shall provide candidates recommended for licensure with preparation in the following special education areas, consisting of a minimum of 30 quarter hours, or the equivalent:

A. Special education perspectives:

(1) knowledge of the concept of specific learning disabilities and its historical development;

(2) understanding of the etiology of specific learning disabilities and the causes of other learning problems;

(3) understanding court decisions and federal and state legislation that have had an effect on the field of specific learning disabilities;

(4) understanding of various theories of cognition and the ability to compare these various theories with respect to explanation of observed behavior;

(5) understanding of the various basic theories of instruction and the ability to compare these basic theories with respect to explanation of observed behavior; and

(6) understanding of the basic theories of behavior and the ability to compare these basic theories with respect to explanation of observed behavior.

B. Assessment and planning:

(1) ability to select, administer, and interpret appropriate instruments and techniques for general screening of learning disabilities;

(2) understanding of formal and informal screening instruments that measure behavior and cognition;

(3) ability to select, administer, and interpret formal and informal diagnostic instruments for the skills of listening comprehension, oral expression, reading decoding, reading comprehension, written expression, mathematics calculation, and mathematics reasoning;

(4) ability to use formal and informal data to develop specific objectives and to plan appropriate instructional intervention strategies;

(5) ability to develop and use formal and informal measures to monitor ongoing progress of students;

(6) ability to observe, record, and analyze behavioral data of student performance in specific settings;

(7) ability to use assessment results of tests administered by other personnel;

(8) ability to observe and analyze skills in problem solving, inferential thinking, and concept development of students in educational settings; and

(9) understanding of entrance and exit criteria for specific learning disability services.

C. Instruction and management:

(1) ability to develop a scope and sequence for individualized programming in basic reading, mathematics, oral and written expression, and listening comprehension;

(2) ability to teach basic reading, mathematics, oral and written expression, and listening comprehension;

(3) ability to teach conceptual skills, such as deductive and inductive reasoning, problem solving skills, study skills, inferential reasoning, logical thought, categorization, and classification skills;

(4) ability to select, design, and modify appropriate developmental, corrective, and remedial curriculum materials;

(5) ability to help students transfer learned skills and monitor their progress in mainstream instructional programs;

(6) ability to relate career/vocational instruction to physical, mental, social, and academic levels of student development and to plan for the transition from school to post-secondary training and employment;

(7) understanding of the affective problems that often accompany learning disabilities;

(8) ability to use clinical teaching to modify social and learning behavior;

(9) ability to refer students with social and emotional problems related to their learning disabilities;

(10) ability to select, modify, and implement various behavior management strategies;

(11) knowledge of projective and media oriented therapies; such as, art, music, play therapies, puppetry, and role playing;

(12) ability to select, modify, and use affective curriculum programs; and

(13) ability to explain program models and instructional strategies used in delivering services to learning disabled students.

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D. Communication and consultation:

- (1) ability to communicate with students, professional associates, parents, community resource persons, and professionals from other disciplines in the field of learning disabilities;
- (2) ability to communicate the assessment process, goals, teaching strategies, and curriculum activities to teachers, parents, students, and others in both oral and written form;
- (3) ability to provide consultation to classroom teachers, parents, and peers in the implementation of learning disabilities services;
- (4) ability to assist parents in accepting and understanding their child's disability and how it affects school and community performance; and
- (5) ability to effectively communicate due process procedures to parents and assist them in understanding their rights and responsibilities under the law.

E. Prepracticum and practicum experiences:

- (1) Prepracticum experiences shall include a series of formal observations and directed instructional experiences with learning disabled students.
- (2) Practicum experiences shall include one academic quarter, or the equivalent, of planning and implementing an instructional program for learning disabled students.
- (3) Upon completion of prepracticum and practicum requirements, candidates recommended for licensure shall have had experiences throughout the range of program alternatives with elementary and secondary learning disabled students.

Subp. 4. **Program approval for institutions.** An institution applying to the Board of Teaching for approval of its preparation program for teachers of specific learning disabled students shall comply with part 8700.7700.

Subp. 5. **Continuing licensure.** A continuing license shall be issued and renewed according to rules of the Board of Teaching governing continuing licenses.

Subp. 6. **Effective date.** After June 30, 1990, a person who makes application for licensure as a teacher of specific learning disabled students must comply with this part.

8700.5511 SPECIAL EDUCATION: MILDLY HANDICAPPED.

Subpart 1. **Licensure requirements.** A candidate recommended for licensure to teach mildly handicapped students (kindergarten to grade 12) shall:

- A. hold a master's degree or the equivalent;
- B. hold a valid Minnesota elementary, secondary, or K-12 classroom teaching license, or satisfactorily complete the requirements enumerated in part 8700.5512;
- C. hold a valid Minnesota special education teaching license;
- D. satisfactorily complete core skill requirements in special education enumerated in part 8700.5500; and
- E. satisfactorily complete a preparation program leading to the licensure of teachers of mildly handicapped students, approved by the Minnesota Board of Teaching.

Subp. 2. **Program requirements; regular education.** Each program leading to the licensure of teachers of mildly handicapped students (kindergarten to grade 12) shall provide candidates recommended for licensure with preparation in regular education areas as set forth in item A or B:

- A. For persons who hold licensure as elementary school classroom teachers:
 - (1) knowledge of adolescent growth and development; and
 - (2) understanding of scope and sequence of secondary curriculum.
- B. For persons who hold licensure as secondary school classroom teachers or as teachers of kindergarten to grade 12 subjects:
 - (1) knowledge of child growth and development; and
 - (2) understanding of scope and sequence of elementary curriculum, including:
 - (a) understanding of elementary language arts curriculum: listening, speaking, writing, spelling, and reading.
 - (b) understanding of basic skills in the mathematics curriculum; and
 - (c) understanding of science and social studies curriculum.

Subp. 3. **Program requirements; mildly handicapped.** Each program leading to the licensure of teachers of mildly handicapped students (kindergarten to grade 12) shall provide candidates recommended for licensure with preparation in the following special education areas, consisting of a minimum of 45 quarter hours, or the equivalent:

A. Special education perspectives:

- (1) understanding of specific handicapping conditions and their educational implications, to include mental handicaps, specific learning disabilities, and emotional/behavioral disorders;
- (2) understanding of perceptual-motor and visual-motor deficits and their educational implications; and
- (3) knowledge of medical treatment programs and their maintenance in educational settings.

B. Assessment and planning:

- (1) understanding of the components of a complete assessment to determine educational needs;
- (2) understanding of when information suggests or requires the involvement of other professionals for further assessment and planning;
- (3) ability to observe, assess, and interpret student performance;
 - (a) ability to observe, record, and analyze the learning environment of students and their responses to specific instructional techniques; and
 - (b) ability to determine educational performance, learning style, and learning modes of students by selection, administration, and interpretation of appropriate educational assessments, to include observation and data collection, criterion and norm referenced tests, surveys and inventories, interviews, student records review, and other formal and informal assessment procedures;
- (4) ability to participate as a member of a multidisciplinary team in planning an educational program for students with mild educational handicaps:
 - (a) ability to develop specific behavioral objectives for students based upon observational, behavioral, and diagnostic data;
 - (b) ability to develop objectives for students in terms of behavioral outcomes in relation to both long- and short-term goals; and
 - (c) ability to involve students and parents in planning learning and behavior goals;
- (5) ability to plan a sequential learning program for students with mild educational handicaps:
 - (a) ability to establish long- and short-term goals in each academic area;
 - (b) ability to write behavioral objectives for each goal; and
 - (c) ability to join and sequence activities which will accomplish each objective; and
 - (d) ability to make constructive use of teacher aide and volunteer assistants in planning and implementing instructional programs.

C. Instruction and management:

- (a) ability to sequence tasks from early to late developing skills and from single to complex behaviors, and design learning activities within a wide range of difficulty so that students with varying abilities can participate at their own level, pace, and style;
- (2) ability to develop, implement, and evaluate programs for mildly handicapped students;
- (3) ability to provide appropriate support to students to facilitate success in their regular education programs;
- (4) ability to modify curriculum to meet individual needs of students:
 - (a) ability to analyze existing curriculum and its impact on individual learning style and rate;
 - (b) ability to modify the presentation of the curriculum content to accommodate differences in learning style and rate;

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(c) ability to identify student performance within the sequence of the curriculum and identify the appropriate content level for the student, based upon achievement level; and

(d) ability to develop classroom management strategies in order to assure the curriculum modifications can be implemented;

(5) ability to recognize and manage behavioral, emotional, and social needs of mildly handicapped students;

(6) knowledge of resources which provide current information about transition from school to work or post-secondary and other career opportunities and training; and

(7) ability to teach self-help, daily living, and family management skills.

D. Communication and consultation:

(1) ability to serve as an advocate for least restrictive placements;

(2) ability to develop and maintain effective working relationships with paraprofessionals, teachers, supervisors, administrators, related services personnel, parents, and community resource personnel;

(3) ability to provide consultation to others regarding appropriate educational programs:

(a) ability to identify and gather relevant information;

(b) ability to analyze and synthesize information;

(c) ability to apply information to educational plans;

(d) ability to communicate information to others in a way that is understandable and practical;

(e) ability to use information to develop and carry out demonstration teaching activities; and

(f) ability to assist in the implementation and follow-up of educational plans developed from the information;

(4) ability to design and conduct appropriate in-service education activities for regular education teachers, paraprofessionals, and volunteers;

(5) ability to assist students and their parents in developing realistic expectations in academic and occupational areas; and

(6) knowledge to direct parents to community and governmental agencies, volunteer and nonprofit groups, and parent organizations that provide supportive services.

E. Practicum experiences, which must include one academic quarter or the equivalent of experience with a multidisciplinary team in planning and implementing an instructional program for mildly handicapped students at the elementary and secondary levels.

Subp. 4. **Program approval for institutions.** An institution applying to the Board of Teaching for approval of its preparation program for teachers of mildly handicapped students shall comply with part 8700.7700.

Subp. 5. **Continuing licensure.** A continuing license shall be issued and renewed according to rules of the Board of Teaching governing continuing licenses.

8700.5512 SPECIAL EDUCATION: CLASSROOM TEACHING LICENSE EXEMPTION.

Subpart 1. **Scope.** This part applies only to those special education licensure parts that authorize a classroom teaching license exemption. Completion of the requirements in subpart 2 do not qualify an applicant for an elementary, secondary, or K-12 classroom teaching license.

Subp. 2. **Requirements.** Each special education licensure part that authorizes a classroom teaching license exemption shall provide candidates recommended for licensure in special education with knowledge, skills, and understandings in all of the following regular education areas:

A. Foundational studies. This category consists of basic knowledge which underlies the study of education and teaching. It includes all of the following:

(1) the study of human growth and development from early childhood through adolescence including typical and atypical patterns of development;

(2) the study of the learning process, with emphasis on physical, intellectual, emotional, and social differences in students;

(3) the study of education and the school as an institution in the context of a changing pluralistic society; and

(4) the study of the philosophy and organization of elementary and secondary schools.

B. Content and methods. This category consists of basic knowledge of content, materials, and scope and sequence of grades kindergarten to 12 curriculum in the following areas:

(1) reading: prereading skills, developmental reading, reading in the content areas, and the diagnosis and correction of reading difficulties;

(2) language arts: listening, speaking, and writing;

(3) mathematics: basic arithmetic operations, problem solving skills, geometric concepts, and computing devices;

(4) science: life science, earth science, physical science; and

(5) social studies: gathering, organizing, reporting, and interpreting social science data.

C. Regular education practica. This category consists of a series of formal observations of teaching and directed instructional experiences in elementary and secondary school classrooms.

D. The profession of teaching. This category consists of basic knowledge of the professional responsibilities of a teacher, both within and beyond the instructional setting, and includes all of the following:

(1) a minimum level of proficiency in the written English language;

(2) skills necessary to communicate and interact with staff members, resource personnel, parents, and other members of the community in order to meet the individual needs of students;

(3) skills to evaluate self- and peer-teaching performance;

(4) responsibilities of the individual teacher to clients served, to the employing school district and its administration, and to the teaching profession;

(5) legal rights of students, parents, administrators, school boards, and teachers;

(6) essential statutes, rules, and legal procedures affecting the preparation and licensure/relicensure of teachers and the teacher as a public employee; and

(7) purposes of the major education professional organizations and learned societies and their contributions to education and the education profession.

Subp. 3. **Program approval for institutions.** An institution applying to the Board of Teaching for approval of special education preparation programs that authorize a classroom teaching license exemption shall provide evidence of compliance with this part.

8700.6410 SCHOOL SOCIAL WORKER.

Subpart 1. **Licensure requirements.** A candidate recommended for licensure as a school social worker (prekindergarten to grade 12) shall complete the requirements in item A or B.

A. For level I licensure a candidate shall hold a baccalaureate degree and have satisfactorily completed a school social work preparation program approved by the Board of Teaching, consisting of a minimum of 75 quarter hours or the equivalent.

B. For level II licensure a candidate shall hold a master's degree in social work from a program accredited by the Council on Social Work Education, with either one year of field work in a school setting, or one year of experience in school social work, or two years of experience in social work.

Subp. 2. **Program requirements for level I.** Each program leading to the licensure of school social workers, level I, shall provide candidates recommended for licensure with knowledge, skills, and understandings in the following areas:

A. human behavior and social environment, including:

(1) knowledge of psychosocial approaches to understanding individual and group behavior;

(2) knowledge of social learning theories;

(3) knowledge of cultural, racial, and ethnic diversity;

(4) knowledge of typical and atypical growth and development;

(5) knowledge of factors influencing growth and behavior;

(6) knowledge of theories of social interaction; and

(7) knowledge of handicapping conditions and their educational implications;

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- B. organization and structure of the public school, the family, and the community, including:
- (1) understanding of family and organizational systems theory;
 - (2) understanding of characteristics and reciprocal influences in school-community-student relations;
 - (3) knowledge of a broad range of public policy issues and social work concerns in relation to public education; and
 - (4) understanding of the roles and organizational structures of regular and special education and the part they play in providing total service for the student;
- C. intervention with individuals, groups, and systems to enhance social functioning, including:
- (1) knowledge of values and ethics of the social work profession;
 - (2) ability to diagnose needs of clients based on systematic observation and the analysis of other appropriate information relating to various factors which affect the learning process of students;
 - (3) understanding of basic methods of social work intervention, such as casework, group work, community organization, and how these can be integrated into school social work;
 - (4) skill in establishing and maintaining purposeful relationships with clients;
 - (5) skill in determining and applying appropriate methods and techniques of social work intervention to enhance learning opportunities for students, including students with handicapping conditions;
 - (6) ability to identify client situations which require expertise from other professionals and to secure such assistance;
 - (7) ability to serve as a liaison or advocate for parents and students; and
 - (8) ability to assess the effectiveness of social work interventions;
- D. collaboration with school personnel and community agencies, including:
- (1) knowledge of the roles of other professionals and the social and legal aspects of school and community services;
 - (2) understanding the interrelatedness of social, educational, and community services;
 - (3) knowledge of institutional and administrative factors which facilitate or impede delivery of services;
 - (4) knowledge of due process, data privacy, and laws regarding student and parent rights;
 - (5) knowledge of state and federal laws, rules, and regulations relating to regular and special education;
 - (6) ability to use interpersonal skills when interviewing and communicating with parents, professionals, paraprofessionals, agencies, students, and other persons or groups;
 - (7) ability to identify and develop resources within and outside the school system;
 - (8) ability to implement referrals to resources within the school system or the community;
 - (9) ability to function as a member of a child study team in designing appropriate programs for students;
 - (10) ability to coordinate the efforts of various professionals who can contribute to an effective intervention;
 - (11) ability to collaborate with community agencies to solve specific problem situations or to develop new resources for students; and
 - (12) ability to serve in a consultative capacity with individuals and groups, including parents and students;
- E. Prepracticum and practicum experiences:
- (1) formal observations of teaching in a variety of curricular areas in both an elementary and a secondary school, formal observation of school social work practice performed by a licensed school social worker, and prepracticum school social work experiences under the supervision of a licensed school social worker; and
 - (2) practicum experience in a school setting under the supervision of a licensed school social worker, consisting of at least 400 contact hours during one school year.

Subp. 3. **Program approval for institutions.** An institution applying to the Board of Teaching for approval of its preparation program for Level I school social workers shall comply with part 8700.7700.

Subp. 4. **Continuing licensure.** A continuing license shall be issued and renewed according to the rules of the Board of Teaching governing continuing licenses.

Subp. 5. **Effective date.** This part is effective July 1, 1990, for an applicant for entrance licensure as a school social worker.

REPEALER. Minnesota Rules, part 8700.3800 is repealed effective July 1, 1989. Parts 8700.5400; 8700.5401; 8700.5402; 8700.5403; 8700.5404; 8700.5405; 8700.5406; and 8700.6400 are repealed effective July 1, 1990.

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The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under § 14.18.

Department of Commerce

Adopted Rule Authorizing Issuance of Medical Malpractice Insurance by the Minnesota Medical Malpractice Joint Underwriting Association

The rule proposed and published at *State Register*, Volume 9, Number 47, pages 2512-2513, May 20, 1985 (9 S.R. 2512) and Volume 10, Number 5, pages 267-268, July 29, 1985 (10 S.R. 267) is adopted with the following modifications:

Rule as Adopted

2791.0100 AUTHORIZATION TO ISSUE MEDICAL MALPRACTICE INSURANCE.

Pursuant to Minnesota Statutes, section 62F.04, the joint underwriting association is hereby authorized to issue medical malpractice insurance on a primary basis to physicians, hospitals, and other health care providers who are unable to obtain medical malpractice insurance coverage in the voluntary market. Those classes of physicians, hospitals, and other health care providers who are unable to obtain medical malpractice insurance and whom the joint underwriting association is authorized to issue medical malpractice insurance are:

- A. physicians;
- B. certified nurse-midwives;
- C. licensed psychologists and licensed consulting psychologists; and
- D. licensed chemical dependency treatment organizations and licensed half-way houses.

Department of Energy and Economic Development Energy and Economic Development Authority

Extension of Emergency Rules Relating to the Technology Product Loan Program

Notice is hereby given that Minnesota Rules 8300.4100-.4112 (Emergency), which were effective April 3, 1985 and which were proposed in the *State Register* on January 7, 1985, at Volume 9, Number 28, pages 1544-1548 (9 S.R. 1544), and in the *State Register* on January 14, 1985, at Volume 9, Number 29, pages 1612-1613 (9 S.R. 1612), are being continued in effect for an additional 180 days. The rules govern the Technology Product Loan Program under the Minnesota Energy and Economic Development Authority.

The new expiration date for these rules will be February 1, 1986, or whenever replaced by permanent rules, whichever is earlier.

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Department of Energy and Economic Development Energy and Economic Development Authority

Extension of Emergency Rules Relating to Tourism Loan Program

Notice is hereby given that Minnesota Rules 8300.3060-.3070 (Emergency), which were effective May 4, 1985 and which were proposed in the *State Register* on March 11, 1985, at Volume 9, Number 37, pages 1996-2000 (9 S.R. 1996), are being continued in effect for an additional 180 days. The rules govern the Tourism Loan Program under the Minnesota Energy and Economic Development Authority.

The new expiration date for these rules will be April 4, 1986, or whenever replaced by permanent rules, whichever is earlier.

Higher Education Coordinating Board

Adopted Emergency Rules Relating to Education; Financial Aid, Grants, Part-time Student

The rules proposed and published at *State Register*, Volume 10, Number 3, pages 90-92, July 15, 1985 (10 S.R. 90) are adopted with the following modifications:

Rules as Adopted, Emergency

PART-TIME STUDENT GRANTS

4830.1554 [Emergency] AMOUNT AND TERM OF GRANTS.

Subp. 2. ~~Cost of attendance~~ Direct educational cost. The direct educational cost of ~~attendance~~ includes, but is not limited to the following:

- A. resident tuition and fees at the institution;
- B. educational materials;
- C. transportation expenses; and
- D. an allowance for child care expenses.

The direct educational cost of ~~attendance~~ must be consistent with the institution's financial aid policies and procedures.

Subp. 3. **Amount.** The amount of the grant when combined with (a) federal, state, institutional, and private ~~financial aid grant assistance~~ that the student receives, (b) employer reimbursement, and (c) the expected parent/student contribution resulting from the assessment of financial need under subpart 1, must not exceed the student's direct educational cost of ~~attendance~~ as defined in subpart 2.

Department of Human Services

Adopted Rules Relating to Special Needs Rate Exception for Very Dependent Persons with Special Needs

The rules proposed and published at *State Register*, Volume 10, Number 2, pages 54-65, July 8, 1985 (10 S.R. 54) are adopted with the following modifications:

Rules as Adopted

9510.1090 ESTABLISHING SPECIAL NEEDS RATE EXCEPTION PAYMENT.

Subp. 4. **Limitation.** The combined per diem costs of training and habilitation services, ICF/MR services, and the special needs rate exception payment and any other special needs rate exception payments in effect for the same client, shall not exceed the medical assistance per diem cost of providing services to mentally retarded persons in state hospitals. For the purpose of determining this limitation, items A to F apply.

C. The special needs rate exception amount must not exceed the total ~~allowable of the costs in allowable under~~ subpart 2. If a special needs rate exception is necessary for a client in both the ICF/MR and the training and habilitation service program, the amounts of both special needs rate exceptions must be combined. If the client is currently receiving a special needs rate exception, that amount must also be included.

9510.1120 DURATION OF SPECIAL NEEDS RATE EXCEPTION.

Subp. 2. **Renewals.** If the county determines that a special needs rate exception should be continued after the period initially approved, the county shall submit a new application in accordance with parts 9510.1020 to 9510.1140 at least 30 days prior to the date the special needs rate exception is scheduled to terminate. The county application for a renewal must contain a program and fiscal evaluation demonstrating the effectiveness of the initial special needs rate exception. A special needs rate exception for a staff intervention must be limited to ~~one renewal~~ two renewals, each of one year or less, per identified special need.

Department of Human Services**Adopted Emergency Rules Relating to Work Readiness Program**

The rules proposed and published at *State Register*, Volume 10, Number 6, pages 306-313, August 5, 1985 (10 S.R. 306) are adopted with the following modifications:

Rules as Adopted, Emergency**WORK READINESS PROGRAM****9500.1211 [Emergency] DEFINITIONS.**

Subp. 2. **Borderline mental retardation.** "Borderline mental retardation" means the condition of a person who ~~is medically certified as having~~ has demonstrated deficits in adaptive behavior and intellectual functioning that is at least one but less than two standard deviations below the mean of a professionally recognized standardized test and the condition limits the person ~~from~~ in obtaining, performing, or maintaining suitable employment.

Subp. 7. **Good cause.** "Good cause" means a reason for taking an action or failing to take an action ~~which~~ that is reasonable and justified when viewed in the context of the surrounding circumstances including but not limited to illness of the person, illness of another family member that requires the person's presence, a family emergency, or inability to obtain transportation.

Subp. 9. **Local labor market.** "Local labor market" means the geographic area in which a registrant can reasonably be expected to search for suitable employment. The geographic area must be limited to an area within two hours' round trip of the registrant's residence, exclusive of time needed to transport his or her children to and from child care.

Subp. 10. **Medical certification.** "Medical certification" means a statement about a person's illness, injury, or incapacity that is signed by a licensed physician or licensed consulting psychologist about a person's illness, injury, or incapacity, or licensed psychologist whose professional training and experience qualifies him or her to diagnose or certify the person's condition.

Subp. ~~10.~~ **11. Mentally ill.** "Mentally ill" means the condition of a person who has a ~~medically certified~~ psychological disorder resulting in behavior that severely limits the person ~~from~~ in obtaining, performing, or maintaining suitable employment.

Subp. ~~11.~~ **12. Misconduct.** "Misconduct" means conduct that would result in the disqualification of a claimant for unemployment insurance benefits under Minnesota Statutes, section 268.09, subdivision 1, clauses (2) and (3).

Subp. ~~12.~~ **13. Qualified professional.** "Qualified professional" means a social worker employed by the local agency, a social worker with a master's degree in social work, a licensed consulting psychologist, a licensed psychologist, a licensed physician or psychiatrist, or a public health nurse.

Subp. ~~13.~~ **14. Registrant.** "Registrant" means a person who has applied for work readiness services and payments, who has been determined eligible for those services and payments by the local agency, and who has elected to begin receiving those services and payments.

Subp. ~~14.~~ **15. Suitable employment.** "Suitable employment" means a job that:

- A. meets existing health and safety standards set by federal, state, or local regulations;
- B. is within the physical and mental ability of a person; ~~and~~
- C. pays at least the minimum wage prescribed by state or federal law and provides more than 60 hours of work per month;

and

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D. does not include temporary day labor.

Subp. 16. Vocational advisor. “Vocational advisor” means a person employed by or under contract with the local agency who has sufficient education, training, or experience to enable the person to identify the types of available suitable employment in a registrant’s local labor market and the necessary qualifications for that employment; to identify the registrant’s physical, social, vocational, and educational barriers to obtaining available suitable employment; and to identify the types of services and activities necessary to enable the registrant to overcome the barriers and obtain suitable employment.

9500.1212 [Emergency] LOCAL AGENCY RESPONSIBILITY TO PROVIDE WORK READINESS PROGRAM AND PLAN.

Subpart 1. Requirement to provide a work readiness program. Each local agency shall provide a work readiness program. The program must provide work readiness services and payments to all applicants residing within the local agency’s jurisdiction who meet the eligibility conditions of part 9500.1213 [Emergency], and must provide work readiness services to recipients of general assistance who are eligible under part 9500.1104 [Emergency], item B. The local agency may continue to provide work readiness services to recipients of general assistance who are eligible for general assistance under part 9500.1200 [Emergency].

Subp. 2. Preparation of work readiness program description. Each local agency shall develop a written plan identifying the description of its work readiness program. ~~The description must meet the standards established in part 9555.3409, and must identify the work readiness program’s purpose, service components, requirements, operating procedures, and operation of its work readiness program and the client groups to be served by its program. A copy of the plan must be filed with the commissioner annually.~~ service provider. The description must also contain a summary of work readiness program requirements, including a registrant’s responsibility to cooperate in the employability assessment and in the preparation of the employability development plan, and the registrant’s responsibility to comply with job registration, work search, and employment acceptance and retention requirements as conditions for continuing eligibility.

Subp. 3. Distribution of work readiness program description. The local agency shall give a copy of the work readiness program description to an applicant at the time he or she applies for general assistance or work readiness, and to any person upon request.

Subp. 4. Filing of program description. The local agency shall file a copy of its work readiness program description and all amendments to the description with the commissioner.

9500.1213 [Emergency] APPLICATION PROCESS AND ELIGIBILITY CRITERIA.

Subpart 1. Assessment of general assistance eligibility. Prior to determining a work readiness applicant’s eligibility for work readiness services and payments, the local agency must determine the applicant’s need for emergency general assistance under Minnesota Statutes, section 256D.07, and the applicant’s eligibility for the general assistance program under part 9500.1102 [Emergency]. If the applicant is determined eligible for general assistance, the applicant shall be ineligible for work readiness services and payments except as provided in part 9500.1104 [Emergency], item B, and part 9500.1220 [Emergency]. If the applicant is determined ineligible for general assistance, the local agency shall notify the applicant of the determination and of his or her right to appeal the decision ~~under Minnesota Statutes, section 256.045~~ as provided under part 9500.1103 [Emergency].

Subp. 2. Work readiness application. A completed application for general assistance shall be considered a completed application for the work readiness program effective on the date that the local agency determines the applicant ineligible for general assistance. A registrant shall not be required to complete a new application for general assistance when the local agency is determining the registrant’s eligibility for general assistance under part 9500.1218 [Emergency], subpart 2, or 9500.1200 [Emergency], subpart 1.

Subp. 3. Eligibility criteria. If the local agency determines that the applicant is ineligible for general assistance, it must determine the applicant’s eligibility or ineligibility for the work readiness program. An applicant or registrant is eligible for the work readiness program if the applicant or registrant meets the conditions in items A to D:

A. The applicant or registrant is ineligible for general assistance under part 9500.1102 [Emergency] or 9500.1220 [Emergency], subpart 1.

B. The applicant or registrant meets the eligibility requirements under part 9500.0530, items A to D. If the applicant or registrant is married and resides with his or her spouse, the income and resources of the applicant or registrant and his or her spouse shall be considered an assistance unit for purposes of assessing whether or not the conditions of part 9500.0530, subparts B and C are met in accordance with the policies and procedures of the general assistance program when determining the applicant’s or registrant’s eligibility and monthly payment amount.

C. The applicant or registrant has not exhausted his or her eligibility period as provided by part 9500.1216 [Emergency].

D. The applicant or registrant is not in a disqualification period under part 9500.1105 [Emergency], part 9500.1218 [Emergency], or part 9555.3417 [Emergency].

9500.1214 [Emergency] REQUIREMENT TO INFORM APPLICANTS.

Subpart 1. **Duty to inform applicants of eligibility or ineligibility for the work readiness program.** Upon determining an applicant's eligibility or ineligibility for the work readiness program, the local agency must inform the applicant of its determination in writing on a form prescribed by the commissioner. The local agency must also inform an applicant who has been determined ineligible for the work readiness program of the determination and the right to appeal as provided in part ~~9555.1219~~ 9500.1219 [Emergency].

Subp. 2. **Duty to inform applicants of work readiness requirements.** At the time the local agency informs an applicant that he or she is eligible for the work readiness program, the local agency must also provide the applicant with a copy of the program description prescribed under part 9500.1212 [Emergency], subpart 2, and a written notice in plain and easily understood language informing meeting the standards established in part 9555.3409, which informs the applicant of:

C. ~~a summary of the work readiness program including the job registration, work search, employment acceptance, and other work readiness requirements which must be complied with:~~

~~D. the disqualification that will be imposed for failure if a registrant is terminated from suitable employment for misconduct, quits suitable employment without good cause, refuses without good cause to accept an offer of suitable employment, or fails to comply with these other work readiness program requirements; and~~

~~E. D. the need to assess requirement that a registrant cooperate with the assessment of~~ the registrant's eligibility for continuing work readiness services and payments under part 9500.1216 [Emergency], subpart 1, during the registrant's second month of work readiness services and payments.

9500.1215 [Emergency] WORK READINESS SERVICES AND PAYMENTS.

Subpart 1. **Requirement of concurrent services and payments.** In order for a monthly work readiness payment or a month of work readiness services to count toward the two or six month limitation on eligibility for the work readiness program, as provided by part 9500.1216 [Emergency], the registrant must concurrently receive work readiness services and payments. Upon an eligible applicant's election to begin receiving work readiness services and payments, the local agency shall provide the services and payments to the registrant. A month during which a registrant fails to comply with the requirements of the work readiness program but for which the registrant receives a work readiness payment shall be considered a month during which work readiness services and payments were concurrently received.

Subp 2. **Work readiness services.** The following services must be provided to a work readiness registrant;

A. In consultation with the registrant, ~~the local agency a~~ vocational advisor shall complete a written employability assessment. The assessment must include an examination of the registrant's education, training, ~~and~~ prior work experience, and suitable employment that is or may become available in the registrant's local labor market, and must identify barriers to the registrant successfully seeking and securing suitable employment.

B. The vocational advisor shall develop a written employability development plan for each registrant within the first 30 days that work readiness services are provided to a registrant. The plan must be based upon on the assessment provided under item A and ~~the local agency's vocational advisor's knowledge of the level of competition for employment that is or may become available jobs;~~ the local agency shall develop a written employability development plan and must be designed to address the registrant's barriers to employment and prepare the registrant for suitable employment. The registrant must be given a copy of his or her plan and the plan must:

(3) provide for referral to available appropriate employment assistance programs;

(5) specify the registrant's job search requirements, which must be limited to the local labor market, must be reasonable, and must be based upon the assessment performed under item A;

(6) specify any other reasonable activities designed to prepare the registrant for permanent suitable employment which the registrant must comply with; and

C. No work readiness program shall require a registrant to travel to a potential job, training, or other activity site unless the local agency provides funds to the registrant, in addition to the work readiness payment, to cover the cost of the transportation or unless transportation is unnecessary or is otherwise available to the registrant without cost.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. **Strike outs** indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. **Strike outs** indicate deletions from proposed rule language.

ADOPTED RULES

E. A local agency that requires a registrant to participate in any type of employment experience program shall require that the employment experience program meet the standards established in Minnesota Statutes, section 256D.113, and that the work to be done is not work ordinarily performed by a regular public employee.

E. A local agency may contract with a public or private entity for the performance of any or all of the services prescribed by this subpart if the entity can document that it has the resources and expertise necessary to perform the services. A contract entered into under this item must contain a description of the services to be performed under the contract. Upon request, the local agency shall provide the department with a copy of the contract and a description of the resources and expertise of the entity under contract with the local agency.

Subp. 3. **Work readiness payments.** A registrant who has met the eligibility conditions of part 9500.1213 [Emergency], subpart 3, shall receive work readiness payments during the applicable period of work readiness eligibility. The payment amount must be equal to the amount of assistance that would be paid to the registrant under parts 9555.3410 to 9555.3412 [Emergency] if the registrant was eligible for general assistance. If the registrant is married and lives with his or her spouse, who is also a registrant, the couple shall be considered an assistance unit comprised of two persons for purposes of determining the applicable standard of assistance, the amount of countable or seasonal income, and the monthly work readiness payment amount under parts 9555.3410 to 9555.3412 [Emergency]. If the registrant resides with his or her spouse and the spouse receives general assistance under part 9500.1102 [Emergency] or 9500.1200 [Emergency], subpart 1, the monthly work readiness payment to the registrant under this part must be equal to the amount the general assistance monthly payment made to the registrant's spouse under parts 9555.3410 to 9555.3412 [Emergency] would increase if the registrant were added to the spouse's general assistance grant.

The first work readiness payment must begin be prorated for the period beginning with the effective date of the completed application for the work readiness program, the date that the applicant is determined eligible for work readiness services and payments, or the date that the eligible applicant elects to begin receiving work readiness services and payments, whichever is later, and ending with the last day of that month. Each payment must cover 30 calendar days and must be made without proration or regard to the beginning or ending date of the month. After the first payment is made. Subsequent work readiness payments must be made monthly on the first day following the end of the 30-day period covered by a previous payment of the month. A registrant shall continue to receive work readiness payments during the period of time months that he or she elects to receive work readiness services and payments and meets the eligibility requirements of part 9500.1213 [Emergency]. The final payment must be prorated to cover the number of days equal to the number of days in the registrant's first month of work readiness services and payments which were not covered by the registrant's first work readiness payment. Emergency general assistance is ~~not~~ available to a registrant in accordance with Minnesota Statutes, section 256D.06, subdivision 2.

9500.1216 [Emergency] ASSESSMENT DURING SECOND MONTH; NOTICE OF TERMINATION.

Subpart 1. **Assessment.** During the registrant's second month of work readiness services and payments under part 9500.1215 [Emergency], the local agency in consultation with the registrant shall conduct an assessment of the registrant's progress in securing suitable employment and an assessment of the registrant's eligibility for an additional four months of work readiness services and payments. When the second work readiness payment is mailed or given to the registrant, the local agency shall provide a written notice meeting the standards established under part 9555.3409 that informs the registrant that the local agency will be assessing the registrant's eligibility for an additional four months of work readiness services and payments, the conditions that must be met in order for the registrant to be eligible for an additional four months, the requirement that the registrant cooperate with the local agency's assessment, and that the registrant has a right to submit to the local agency information relevant to the determination within ten days from the date that the notice is mailed or given to the registrant. A registrant shall be eligible for four additional months of work readiness services and payments if the registrant meets one or more of the following conditions:

A. The registrant lives in a distressed county.

B. The registrant is medically certified as having borderline mentally retarded mental retardation.

C. The registrant exhibits is certified by a qualified professional as exhibiting perceptible symptoms of mental illness ~~as certified by a qualified professional~~ but the registrant is not eligible for general assistance under parts 9500.1100 to 9500.1107 [Emergency] because the mental illness interferes with the medical certification process.

D. The registrant ~~is unable as determined by a vocational advisor, cannot reasonably be expected~~ to secure suitable employment ~~because the local agency has determined that no jobs are available that a person with given the registrant's work history, skills, and ability has the education, physical and mental ability to perform, and the availability of suitable employment in the registrant's local labor market.~~

If the local agency believes that the registrant may ~~meet the conditions in item B or C have~~ borderline mental retardation, or if the registrant or a representative of the registrant asserts that he or she ~~meets the conditions of item B or C has~~ borderline mental retardation, the local agency shall ~~obtain seek~~ seek medical certification of the registrant's condition. ~~If the registrant's mental illness interferes with the medical certification process, the registrant's condition must be assessed by a qualified professional medical~~

certification establishes that the registrant has borderline mental retardation, the condition in item B is met. If the registrant's behavior, thought processes, mood, perceptions, conduct, or appearance suggest or demonstrate that the person may have a mental illness, or if the registrant or a representative of the registrant asserts that the registrant has a mental illness, the local agency shall seek medical certification of the registrant's condition. If the registrant fails to cooperate with the medical certification, the local agency shall seek an assessment of the registrant's condition from a qualified professional. If the qualified professional certifies that the registrant is exhibiting symptoms of mental illness, the condition in item C is met.

Subp. 2. **Notice of determination.** If the local agency determines through the assessment ~~or the medical certification~~ that the registrant meets one or more of the conditions in subpart 1, items A to D, the registrant shall be notified that he or she is eligible for work readiness services and payments for a combined total of six months in any consecutive 12-calendar month period. If the local agency determines, upon completion of the assessment under subpart 1, that the registrant does not meet one or more of the conditions in subpart 1, items A to D, the registrant shall be terminated from work readiness services and payments effective at the end of the registrant's second month of participation in the work readiness program. If the local agency determines that the registrant is ineligible for continued work readiness services and payments, the local agency shall notify the registrant of its determination and that the registrant is not eligible to receive work readiness services and payments for more than two months during any consecutive 24-calendar month period.

9500.1217 [Emergency] REGISTRANT DUTIES.

A registrant shall ~~cooperate~~ comply with all ~~aspects~~ requirements of the local agency work readiness program as explained under part 9500.1214 [Emergency], subpart 2, and specified in the employability development plan provided under part 9500.1215 [Emergency], subpart 2, item B. A registrant who ~~does not fail, without good cause, to~~ comply with the local agency work readiness requirements shall be disqualified from the receipt of work readiness services and payments under part 9500.1218 [Emergency].

9500.1218 [Emergency] FAILURE TO COMPLY WITH WORK READINESS REQUIREMENTS AND DISQUALIFICATION.

Subpart 1. **Determination and notice of failure to comply.** If a local agency determines that a registrant has failed to comply with the requirements of the work readiness program, the local agency ~~shall~~ must notify the registrant of its determination. The notice ~~must be written in plain and easily understood language meet the standards established in part 9555.3409,~~ and must contain the information in items A to E.

C. The notice must specify a certain date by which the action must be taken. The registrant must be given a minimum of 15 calendar days to take the specified action following the date the notice is mailed or ~~delivered~~ given to the registrant.

Subp. 2. **Disqualification.** A registrant who is notified of the local agency determination as provided in subpart 1 shall comply with the requirements of the work readiness program as specified in the notice prior to or on the specified date. If the local agency determines that the registrant has not complied with the requirements on or before the specified date, the local agency ~~shall~~ must assess the registrant's eligibility for general assistance under part 9500.1102 [Emergency] prior to disqualification of the registrant for noncompliance. If the local agency determines that the registrant is eligible for general assistance, the registrant shall be terminated from work readiness services and payments and shall be eligible for general assistance. If the local agency determines that the registrant is ineligible for general assistance under part 9500.1102 [Emergency] and that the ~~conditions in item A, B, C, or D exist~~ registrant has failed, without good cause, to comply with the work readiness requirements and has subsequently failed, without good cause, to take the required actions by the date specified in the notice provided under subpart 1, the registrant shall be disqualified from receiving work readiness services and payments.

~~A. The registrant has failed, without good cause, to comply with the work readiness requirements and has subsequently failed to take the required actions by the date specified in the notice provided under subpart 1.~~

~~B. The registrant has been terminated from employment for misconduct.~~

~~C. The registrant has quit work without good cause.~~

~~D. The registrant has refused, without good cause, to accept an offer of suitable employment.~~

Subp. 4. **Period of disqualification.** A registrant disqualified under subpart 2 shall be ineligible during the period of disqualification for any remaining or additional work readiness services or payments for which he or she would otherwise be eligible in accordance with the provisions in items A to F.

A. The period of disqualification shall be 60 days.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

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B. If the local agency determines that the registrant failed to comply with work readiness requirements under subpart 2, the disqualification period shall begin on the first day of the 30-day work readiness payment period following the date on which the determination was made. If the notice of disqualification is given or mailed so late in a payment period that ten-day prior notice required under part 9500.1219 [Emergency] cannot be given, the disqualification period shall begin on the first day of the second work readiness payment period following the date the determination was made. If the registrant appeals on or before the proposed disqualification date, the disqualification process must stop and work readiness payments and services must continue until a final decision is rendered or until the registrant's period of eligibility is exhausted, whichever is earlier. If the registrant loses the appeal, the disqualification period must begin on the first day of the next ~~30-day~~ work readiness payment period.

D. If the local agency determines that a registrant who received a notice of failure to comply under subpart 1 has taken the required action on or before the ~~proposed disqualification~~ date specified in the notice provided under part 9500.1218 [Emergency], subpart 1, item C, work readiness ~~assistance~~ services and payments must be continued without a period of disqualification.

E. Disqualification under subpart 2 must not affect a person's eligibility for general assistance or general assistance medical care.

F. If a ~~recipient~~ registrant is disqualified under subpart 2, the local agency may use vouchers and vendor payments, or both, to meet the financial needs of the remaining eligible members of the registrant's assistance unit. The assistance standard used must be based on the number of remaining eligible members in the registrant's assistance unit.

9500.1219 [Emergency] NOTICE OF ADVERSE ACTION AND APPEAL RIGHTS.

Subp. 2. **Notice requirements.** The notice required under subpart 1 must meet the standards established in part 9555.3409, and must:

Subp. 3. **Appeal of adverse action.** An applicant or registrant who is the subject of an adverse action under subpart 1 may appeal the local agency determination. The appeal must be a written request for a hearing submitted to the department or the local agency under Minnesota Statutes, section 256.045. If a registrant appeals on or before the effective date of the adverse action, the registrant, if otherwise eligible, shall continue to receive work readiness services and payments while the appeal is pending. If the registrant's appeal of an action specified under subpart 1, item A, B, or D is not upheld, the registrant shall pay back to the local agency the amount of work readiness payments received during the pendency of the appeal.

9500.1220 [Emergency] ELIGIBILITY FOR SIX MONTHS OF GENERAL ASSISTANCE.

Subpart 1. **Eligibility conditions.** An applicant who is not eligible for general assistance under part 9500.1102 [Emergency] but who meets the conditions of part 9500.0530, items A to D, and who has received six months of work readiness services and payments shall be eligible to receive general assistance for a maximum of six months during any consecutive 12-calendar month period if the conditions in item A or B are met:

A. the person is medically certified as having borderline mental retardation; or

B. the person is certified by a qualified professional as exhibiting perceptible symptoms of mental illness and the mental illness ~~prevents~~ interferes with medical certification of the person's condition.

Subp. 2. **Requirements for continuing eligibility.** A recipient of general assistance whose eligibility is based on subpart 1 must comply with the following requirements to remain eligible for general assistance:

A. A person certified as exhibiting perceptible symptoms of mental illness as provided by subpart 1, item B must cooperate with social services, treatment, or other reasonable plans developed by the local agency to address the illness. If the local agency determines that the person has ~~not complied~~ failed, without good cause, to comply with the plan, the person shall be disqualified from receiving general assistance as prescribed in parts 9500.1105 to 9500.1107 [Emergency].

B. The local agency may assign a person who is eligible for general assistance under subpart 1 to the work readiness program for work readiness services. A person so assigned must ~~cooperate~~ comply with the work readiness program requirements established by the local agency. If the local agency determines that the person has failed to comply with work readiness requirements, the person shall be disqualified from receiving general assistance as provided in parts 9500.1105 to 9500.1107 [Emergency].

Subp. 3. **Notice of termination.** After issuing the monthly general assistance payment during the sixth and final month to a recipient who is eligible under subpart 1, and who does not meet the conditions under part 9500.1102 [Emergency], the local agency shall provide the recipient with written notice of his or her termination from general assistance ~~and, of his or her appeal rights as specified in Minnesota Statutes, section 256D.10. The local agency shall also inform the recipient of the availability of its work readiness program and the time limitations imposed on eligibility for that program part 9500.1103 [Emergency], and that the recipient may be eligible for work readiness services and payments if he or she meets the criteria of part 9500.1213 [Emergency], subpart 3.~~

9500.1221 [Emergency] SPECIAL VOUCHER OF VENDOR PAYMENT PROVISIONS.

The local agency may provide general assistance, emergency general assistance, or work readiness payments in the form of

vouchers or vendor payments if the applicant, recipient, or registrant does not have a permanent an address at which he or she resides. The local agency may provide separate vouchers or vendor payments for food, shelter, and other needs and may divide the monthly assistance standard into daily or weekly payments, whether in cash or by voucher or vendor payment, until the applicant, recipient, or registrant has secured a permanent an address at which he or she resides. If the local agency elects to use these provisions, the local agency shall either provide for the person's needs through placement in a negotiated rate facility, or provide for all of the person's food, shelter, or other daily needs, regardless of the standard of assistance. For purposes of this part, "address" includes migrant labor camp as defined in part 4630.4800, subpart 3.

Pollution Control Agency

Adopted Rules Relating to Hazardous Waste

The rules proposed and published at *State Register*, Volume 9, Number 52, pages 2745-2747, June 24, 1985 (9 S.R. 2745) are adopted as proposed.

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Department of Energy and Economic Development Financial Management Division

Availability of Issuance Authority in Competitive Pool, October 5, 1985

Pursuant to Minn. Laws 1984, ch. 582, p. 17, subd. 2, to be codified as 474.20, the Department gives notice that the amount of Industrial Development Bond issuance authority available in the Competitive Pool as of October 5, 1985, is \$25,340,526.53 and will be available to qualifying Industrial Development Bond Issuers submitting qualification criteria applications by October 10, 1985. Pursuant to Minn. Laws 1984, ch. 582, p. 16, to be codified as 474.19, non Entitlement Issuers must submit an application, a preliminary resolution, an application deposit and any other supporting documents required.

Balance of Competitive Pool on September 5, 1985 \$25,489,604.53

Add:

Unused Entitlement Allocations as of

August 31, 1984:

\$ N/A

Returned Allocations:

\$ 2,630,922.00

Total Pool Available as of September 10, 1985:

\$28,120,526.53

Allocations awarded from the Competitive Pool during the month ending October 5, 1985 are:

<i>Issuer</i>	<i>Project</i>	<i>No. of Pts.</i>	<i>Amount</i>
Lake of the Woods Co.	Reed-Rowell	6	\$ 250,000.00
City of Rush City	Dennis Kirk, Inc.	7	600,000.00
City of Wadena	Mason Bros.	9	680,000.00
City of Windom	Caldwell Packing Co.	6	1,250,000.00

Total Allocations Awarded:

\$2,780,000.00

Amount of Issuance Authority Available as of

October 5, 1985:

\$25,340,526.53

OFFICIAL NOTICES

Metropolitan Council

Order Commencing Review of the Proposed Homart Office Development

Upon receipt of a resolution by the city of Edina, Minnesota, received Sept. 26, 1985, accompanied by an initial information submission, said material complying with and satisfying the requirements of Minn. Rules 5700.1300, Subp. 1 and Subp. 2, and setting forth an arguable claim that the planned Homart Office Development in the city of Bloomington will affect the city of Edina, and there being no indication that the review has been initiated in bad faith or is a sham, capricious or frivolous initiation, or that the matter is exempt within the meaning of Minn. Rules 5700.0700 to 5700.1200; it is hereby ordered:

1. That a metropolitan significance review of the above-captioned matter is hereby commenced effective Sept. 25, 1985.
2. Notice of this order shall be served within five days upon the city of Bloomington, the Homart Development Company, the city of Edina, all adjacent government units, the Regional Transportation Board, the Metropolitan Waste Control Commission, the Metropolitan Land Use Advisory Committee, the Metropolitan Parks and Open Space Commission, and the Environmental Quality Board.
3. Such notice shall contain the order commencing review, the initiating documents, the information submission and order suspending action on the proposed development, and a schedule for the metropolitan significance review. Notice that such review has been commenced shall be published in the next issue of the Council's *Review* and in the *State Register*.
4. In accordance with Minn. Rules 5700.1400 and 5700.3100, Homart Development Company shall suspend action on the proposed matter until the Council's issuance of a final determination concerning the proposed matter.

Oct. 3, 1985

Sandra S. Gardebring
Metropolitan Council
300 Metro Square Bldg.
St. Paul, MN 55101
(612) 291-6359

Metropolitan Council

Preliminary Review Schedule for Metropolitan Significance Review of the Proposed Homart Office Development

Referral File No. 12704-4

Order commencing review	Oct. 3, 1985
Notice to appropriate parties	Oct. 8, 1985
Preliminary statements due	Oct. 23, 1985
Period during which review procedures may be stipulated pursuant to Minn. Rules 5700.1900	Oct. 11-Oct. 28, 1985
Meeting among parties to discuss preliminary statements and to determine if matter can be settled by stipulation	Oct. 22, 1985
Staff report released, notice of public hearing mailed	Nov. 1, 1985
Staff report conference, all parties involved	Nov. 11, 1985
Public hearing	Nov. 18, 1985
Public hearing report, findings and conclusions adopted by Metropolitan Significance Review Committee	Dec. 2, 1985
Metropolitan Systems Committee	Dec. 9, 1985
Metropolitan Council final determination	Dec. 19, 1985

NOTE: This preliminary review schedule places the Council action at the last Council meeting prior to the Dec. 24, 1985 expiration of the 90-day limit during which the metropolitan significant review can be conducted.

Metropolitan Council

Public Hearing on an Amendment to the Right-of-Way Acquisition Loan Fund Guidelines

The Metropolitan Council will hold a public hearing Monday, November 4, 1985 at 4:00 p.m. at the Metropolitan Council, 300 Metro Square Bldg., 7th and Robert St., St. Paul, Minnesota on draft amended guidelines for highway right-of-way acquisition loans. The guidelines are being amended to include loans for "hardship" cases. All interested persons are encouraged to attend the hearing and offer comments. People may register to speak in advance by calling Ann Braden of the Council's Transportation Planning Staff at 291-6525. Questions on the proposed revision should also be directed to her. Copies of the draft guidelines are available free of charge from the Council's Communications Department at 291-6464. Copies are also available for public inspection beginning October 4 at the following locations:

Metropolitan Council Library
300 Metro Square Building
St. Paul, Minnesota 55101

Minneapolis Public Library
Government Documents Room
300 Nicollet Mall
Minneapolis, Minnesota 55401

St. Paul Public Library
Science and Industry Room
900 West Fourth Street
St. Paul, Minnesota 55102

Anoka County Library—Blaine Branch
707 Highway 10
Blaine, Minnesota 55434

Carver County Library—Chaska Branch
314 Walnut Street
Chaska, Minnesota 55318

Dakota County Library—Burnsville Branch
1101 West County Road 42
Burnsville, Minnesota 55337

Hennepin County Library—Southdale Branch
7001 York Avenue
Edina, Minnesota 55435

Ramsey County Library—Roseville Branch
2180 North Hamline Avenue
Roseville, Minnesota 55113

Scott County Library—Shakopee Branch
235 South Lewis Street
Shakopee, Minnesota 55379

Washington County Library—Park Grove Branch
7520-80th Street South
Cottage Grove, Minnesota 55106

Sandra S. Gardebring, Chair
Metropolitan Council

Metropolitan Council

Review Schedule for Amendment to Right-of-Way Acquisition Loan Fund Guidelines

The Metropolitan Council administers a program for highway right-of-way acquisition loans for cities, counties and other public

OFFICIAL NOTICES

entities within the seven-county area. The loan guidelines are currently being amended to include loans for "hardship" cases.

The following is a tentative schedule for review of the guidelines.

November 4, 1985	Public hearing
November 18, 1985	Hearing record closes
December 2, 1985	Metropolitan Systems Committee reviews hearing report and approves final guidelines
December 5, 1985	Metropolitan Council reviews hearing report and adopts final guidelines

This schedule is tentative and subject to change. A notice of public hearing is being published. If you have any questions regarding the schedule or guidelines, call Ann Braden of the Council's Transportation Planning staff at 291-6525.

Office of the Secretary of State

Vacancies in Multi-Member State Agencies

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to Minn. Stat. § 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul 55155-1299; (612) 296-2805. Application deadline is November 5, 1985.

BOARD OF PRIVATE DETECTIVE AND PROTECTIVE AGENT SERVICES has 1 vacancy open for a licensed private detective. The board licenses private detectives and protective agents. Members are appointed by the Commissioner of Public Safety. Members must file with Ethical Practices Board. Monthly meetings. Members receive \$35 per diem plus expenses. For specific information contact the Board of Private Detective and Protective Agent Services, 1246 University Ave., St. Paul 55104; (612) 296-8399.

TASK FORCE ON EXAMINATION OF NEW VOTING SYSTEMS has 1 vacancy open for a member. The task force examines voting machines or electronic voting systems proposed in Minnesota and advises the Secretary of State on certification of this equipment for use at elections in this state. The task force meets only when new equipment is proposed for use. Members are appointed by the Secretary of State. For specific information contact the Task Force on Examination of New Voting Systems, 180 State Office Bldg., St. Paul 55155; (612) 296-2805.

MINNESOTA COUNCIL FOR THE BLIND has 7 vacancies open for members. At least four must be blind or visually handicapped. The council advises the Commissioner on the development of policies, programs, and services affecting the blind and visually impaired; on the use of appropriate federal money; on policies relating to eligibility determinations; on qualifications for the director of services for the blind; to provide the Commissioner with a review of ongoing services, programs and proposed legislation affecting the blind and to create a public awareness of the special needs and potential of blind and visually impaired persons. Members are appointed by the Commissioner of Jobs and Training. Members receive \$35 per diem plus expenses in the same manner and amount as authorized by the Commissioner's plan. Terms are staggered. For specific information contact the Minnesota Council for the Blind, Rick Hokanson, 1745 University Ave., St. Paul 55104; (612) 296-6034.

HAZARDOUS WASTE MANAGEMENT PLANNING COUNCIL has 3 vacancies open immediately for 1 local government representative, 1 citizen representative and 1 industry representative. The council makes recommendations to the Waste Management Board on planning for and siting of hazardous waste processing and disposal facilities. Members are appointed by the Chairperson of the Waste Management Board. Monthly meetings. Members are compensated for expenses. For specific information contact the Hazardous Waste Management Planning Council, 123 Thorson Bldg., 7328 58th Ave. N., Crystal 55428; (612) 536-0816.

State Retirement System

Board of Directors' Regular Meeting

A meeting of the Board of Directors, Minnesota State Retirement System will be held on Friday, October 18, 1985, at 8:30 a.m. in the State Retirement System's office, 529 Jackson Street, St. Paul, Minnesota.

State Council on Vocational Technical Education

Notice of Town Meeting

The State Council on Vocational Technical Education, in cooperation with the Hibbing and Eveleth Area Vocational Technical

Institutes, will hold a town meeting at 7:00 p.m. on October 23, 1985 at the Hibbing Area Vocational Technical Institute, 2900 East Beltline, Hibbing, Minnesota.

The purpose of the town meeting is to provide employers and employees in all sectors of the economy, as well as vocational students and their families, the opportunity to express their opinions and concerns about vocational technical education in Minnesota.

The Council strongly encourages public participation and seeks responses to the following question in particular: How can the quality and delivery of vocational technical education better serve youth and adults, as well as agriculture, business, industry and labor, in your community?

The Council needs the public's help and asks it to respond. Public comment is important to The Council in meeting its responsibility to advise local, state and national officials on public policy for vocational technical education in Minnesota.

Written copies of remarks to The Council are helpful and appreciated, but are not required.

Persons who wish to speak, but are unable to attend the town meeting, may send written statements to the State Council on Vocational Technical Education, 700 Wayzata Boulevard, Minneapolis, Minnesota 55403, by October 30, 1985.

Inquiries regarding the town meeting may be directed to William E. Magajna at Hibbing (218/262-3824); Edward F. Russ at Eveleth (218/744-3302); or John W. Mercer at the State Council on Vocational Technical Education (612/377-6100).

STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Commodities contracts with an estimated value of \$5,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers by calling 296-6152. If the appropriate buyer is not available, contact Harvey Leach or Barbara Jolly at 296-3779.

**Department of Administration
Procurement Division**

Commodities Contracts and Requisitions Currently Open for Bidding

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
78-830-07855 & 07859	Stair Nosing	MN Correctional Facility	St. Cloud	Contact buyer
01-000-04481	Furnish and install Garage Doors	Military Affairs	St. Cloud	Contact buyer
02-310-14214	Telephone System	Anoka-Ramsey Community College—Cambridge Center	Cambridge	Contact buyer
26-071-15804	Fermentor Assembly	Mankato State University	Mankato	Contact buyer
32-100-13851 & 13852	Oxygen Meter	Pollution Control Agency	Roseville	Contact buyer
04-121-29659	Work Station	Agriculture	Crookston	Contact buyer
29-000-42597-2757	1986 Spring Turkey Hunt Ag.	Natural Resources	St. Paul	Contact buyer
07-700-35035-2592	Records of Drivers License Examination	Public Safety	St. Paul	Contact buyer

STATE CONTRACTS

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
65-300-02805-2672	SJIS Civil Transaction Form	Supreme Court	St. Paul	Contact buyer
67-260-11222-3250	Affix Labels to Income Tax Booklets	Revenue	St. Paul	Contact buyer
27-147-44063-1791	College Catalogue 86-88	Vermilion Community College	Ely	Contact buyer
02-310-14122 Rebid	Prison Hinges & Screws	MN Correctional Facility	Oak Park Heights	Contact buyer
79-000-49675	Automatic Levels	Transportation	St. Paul	Contact buyer
79-000-49421	Purchase of CRT Terminals	Transportation	St. Paul	Contact buyer
43-000-06478	Carpeting & Installation	Iron Range Resources & Rehabilitation Board & Public Safety—State Patrol	Eveleth	Contact buyer
Contract	Rubbish Disposal			Contact buyer
79-000-49420	Purchase of Memory Boards	Transportation	St. Paul	Contact buyer
79-000-49944	Electric Fork Lift	Transportation—Central Shop	Minneapolis	Contact buyer
79-000-49603	Industrial Tractor Loader	Transportation	Transportation	Contact buyer
29-000-40567	Drill Holes to Bedrock and Abandonment	Natural Resources	Hibbing	Contact buyer
Contract	Laundry Service	Military Affairs	Little Falls	Contact buyer
07-700-36532-2824	Validation Strips	Public Safety	St. Paul	Contact buyer
63-000-00823-2903	PERA Election Newsletter	Public Employment Relations Board	St. Paul	Contact buyer
67-260-11184-3024	Student Guide	Revenue	St. Paul	Contact buyer
67-270-11200-3041	Sale Tax Envelope	Revenue	St. Paul	Contact buyer
67-270-11201-3042	Blue Granite Window Envelope	Revenue	St. Paul	Contact buyer
12-600-87625-2458	Medical Record-File Folder & Inserts	Health	Minneapolis	Contact buyer
21-607-28904	Prosthesis-Rebid	Jobs & Training—Vocational Rehabilitation	Minneapolis	Contact buyer
Sch. 93-A Rebid	L.P. Gas	Various	Various	Contact buyer
26-071-16076	Light Fixtures	Mankato State University	Mankato	Contact buyer
26-073-18254	Furnish & Install Concrete Exterior Light Bases	St. Cloud State University	St. Cloud	Contact buyer
21-200-10843	Janitorial Service	Jobs & Training	Inver Grove Heights	Contact buyer
Contract	Plastic Furniture Covering	MN Correctional Facility	Lino Lakes & St. Cloud	\$5,000-8,000
43-06565	Snow Groomer Drags	Various	Various	Contact buyer
29-005-08398	Quarry Rock	Natural Resources	Preston	Contact buyer
55-000-92985	Lunchroom Tables & Chairs	Human Services	St. Paul	Contact buyer
Contract	Payroll Warrants & Income Tax Refund Envelopes	Various	Various	\$25,000-42,000
Contract	State Duplicating Overload	Administration—Duplicating	St. Paul	\$100,000-150,000
67-260-11224-3251	Carrier Road Code Address & Print Income Tax Labels	Revenue	St. Paul	Contact buyer
79-650-00406, etc.	Snowwheels	Transportation	Owatonna	Contact buyer
78-890-01771	Wood Furnace	Corrections—Willow River Camp	Willow River	Contact buyer
26-071-16087	Purchase of Electronic Design System	Mankato State University	Mankato	Contact buyer

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
29-000-42596-2759	1985-86 Mn Game & Fish Laws	Natural Resources	St. Paul	Contact buyer
78-620-25477	Pressure wash with heat & decreaseers-duct system	MN Correctional Facility	Stillwater	Contact buyer
27-143-47978	Purchase of Minn. Draft Digitizer System	Hibbing Community College	Hibbing	Contact buyer

Contact 296-6152 for referral to specific buyers.

**Department of Administration
State Register and Public Documents Division**

Reminder About Five Contracts Printed in Last Week's Official Notices Section

Notice to Readers:

Five notices for a total of eight contracts were placed in the wrong section of the *State Register* last week. The contracts were as follows:

<u>Agency Name & Contract Title</u>	<u>Contact Deadline</u>	<u>S.R. Page #</u>
<u>Energy & Economic Development</u>		
Request for Proposals for Delivery of Commercial Energy Auditor Training	October 25, 1985	849
Request for Proposals for Planning and Implementing a Series of Home-Based Business Seminars	November 1, 1985	851
Request for Proposals for Agency to Provide Evaluation and Advisory Services	October 28, 1985	853
Request for Proposals for Marketing and Communications Plan for the Office of Software Technology Department	October 28, 1985	854
<u>State Designer Selection Board</u>		
Request for Proposals for Three Projects for the State University System (All three are for Mankato State University)	October 29, 1985	859

Please refer to last week's *State Register* for descriptions, cost estimates, and contact persons for these projects. Agencies have not been asked to move contact deadlines back one week because of this misplacement, and the original contact deadlines apply.

We apologize for our error.

**Department of Labor and Industry
Code Enforcement Division**

Request for Proposals for Computerization of Recordkeeping Functions

The Minnesota Department of Labor and Industry is requesting bids for consultants to assist in the computerization of the record-keeping functions of its Code Enforcement Division. The project will encompass review and analysis of transactions and documents, design of a computerized support system that will decrease duplication and redundancy of processing activities, improve access to required data and provide employees with basic training in run design and use of a Sperry 1100 MAPPER System.

Respondents should have prior experience in working with Sperry MAPPER Systems. This experience should include working with private industry or governmental agencies to design, develop and implement computerized recordkeeping support systems.

STATE CONTRACTS

This request for proposals does not obligate the State to complete the project and the State reserves the right to cancel solicitation if it is not considered to be in its best interest.

The Department has estimated that the cost of the project should not exceed \$20,000.

Questions and submission of proposals should be directed to:

Kathy Novosad
Department of Labor and Industry
444 Lafayette Road
St. Paul, Minnesota 55101
Phone: (612) 296-6529

Proposals must be received not later than November 4, 1985.

State University System

Request for Proposals for State University System Academic Database Development

The State University Board is soliciting proposals to provide the analysis and computer programming support necessary to complete the development of its academic database project. Once created, this database will support strategic planning, academic program review, and other management responsibilities of the Chancellor's office.

This request for proposal does not obligate the State to complete the project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest. The successful respondent will be expected to enter into a contract with the State University Board.

A. SCOPE OF THE PROJECT—The purpose of this project is to create a centralized information resource to support the decision-making and reporting responsibilities of the State University Board.

The computer system used is a Data General MV 4000 that is networked using XODIAC to other Data General minicomputers on each of the seven state universities. The database is being built using COBOL programs and the INFOS II Database Management System (DBAM).

This project requires providing each campus with data entry screens to build and edit transaction files for each data record type and with procedures for sending those files to the State University Board computer for additional review and for updating the database. Campuses may also create their own programs for generating the initial version of a transaction file and then use the data entry screen for editing the file into final form.

The new programs and procedures should be compatible with those that have been completed already—although recommendations for enhancements will be expected and welcomed. The current form of the index structure is illustrated in Appendix A. The Description File is provided in Appendix B. (Copies of Appendices A through G are available from Dr. Larry R. Selin, Minnesota State University System.)

The following list of major components indicates the status of each and refers to the Appendix where the related data elements are displayed.

Campus Departments

Partial record associating department names with department codes.

Status: Complete. (See DEPARTMENT-NAME-RECORD description in Appendix B.)

Department Programs

Record contains identification information for programs in each of the departments of each of the campuses.

Status: The data are in for each campus, but require further editing. Additional programming may be required to address situations where multiple license codes are associated with a single program. (See PROGRAM-IDENTIFICATION-RECORD description in Appendix B.)

Program Concentrations

Record contains identification information for concentrations related to each of the programs for each campus.

Status: The data are in for each campus except Moorhead. Further editing is also required for these data. (See CONCENTRATION-IDENT-RECORD description in Appendix B.)

Program Activity

Record contains information on majors, graduates, and placement for the programs in the database.

Status: No data have been collected for this record. The programs for creating the transaction file are complete, but progress

has been halted on this record due to a problem in transferring database files across the XODIAC system to the campuses. This problem must be solved. (See ACTIVITY-RECORD description in Appendix B.)

Department Enrollments

Record contains student credit hour information by level of instruction (lower, upper and graduate) for on-campus, off-campus and extension instruction.

Status: No programming has been begun for this record. (See Appendix C for elements.)

Campus Enrollments

Record contains summary data from the HECB student data tape based on 10th day figures. Comparable end of quarter data may also be added. While a data entry screen will be required for this record, the primary data entry will be from a computer file which holds summary data from the detailed student record tapes.

Status: No programming has been begun for this record. (See Appendix D for data elements.)

Department Budget

Record contains expenditure information for the regular academic year and for summer sessions.

Status: No work has been begun on this record. (See Appendix E for data elements.)

Campus Budget

Record contains information on expenditure categories by program for each campus.

Status: No programming has been begun for this record. (See Appendix F for data elements.)

Department Personnel

Record contains summary information on staffing counts, course credits hours taught, and appointment types.

Status: No programming has been begun on this item. (See Appendix G for data elements.)

Field Translation

Records in this section will contain English language interpretations of codes in the database.

Status: Developmental work has been accomplished in this area but final decisions on how it should be structured remain.

The results of the project will be a database of useful information about the state universities that is accessible by COBOL programs and by the "friendlier" report generator provided by Data General. PRESENT.

B. GOAL OF THE PROJECT—The goal of the project is to obtain the programs, procedures, and documentation necessary to complete the development of the database. The programs, procedures, and documentation must be useable by State University Board staff to actually enter data into the database and perform appropriate maintenance and security activities.

C. PROJECT TASKS—Tasks to be completed during the project include:

1. Review and advise on the design and implementation of the portion of the database already completed.
2. Design each of the new components of the database. (Each component is comprised of the programs and procedures necessary to add one new data record type to the database.) Each component requires the programming and procedures necessary to accomplish data entry, transaction editing, database and database updating. Moreover, each new component should be characterized by menu driven access to programs and by general compatibility with the existing portions of the database. Advice on redesign and enhancements will be expected and welcomed.
3. Program creation.
4. Program testing.
5. Documentation of computer programs must follow the standard format used by the St. Cloud Computer Center. Documentation must also be provided for users.
6. Installation of each component. Successful implementation of each component involves transmitting the appropriate data entry programs to each campus site, having the campuses install those programs on their campus sites, create files of transactions, and successfully transmit those newly created files back to the State University Board office for eventual updating to the database.

D. PROJECT COSTS—The department has estimated that the cost of this project should not exceed \$43,000. Billing, however, will be on a time and materials basis, and not a completed task basis.

E. PROJECT COMPLETION DATE—The project will be completed within six months of the date of project authorization.

F. PROPOSAL CONTENTS—The following will be considered minimum contents of the proposal:

1. A restatement of the objectives, goals and tasks to show or demonstrate the respondent's view of the nature of the project.
2. Identify and describe the deliverables to be provided by the respondent.

STATE CONTRACTS

3. Outline the respondent's background and experience with particular emphasis on database development using INFOS II (DBAM) and on work in a university setting or for another government agency. Identify personnel to conduct the project and detail their training and work experience. No changes in personnel assigned to the project will be permitted without the written approval of the Project Director.

4. Respondent will prepare a detailed cost and work plan which will identify the major tasks to be accomplished and be used as a scheduling and managing tool as well as the basis for invoicing.

5. Identify the expected or anticipated level of the Department's participation in the project as well as any other services to be provided by the Department.

G. EVALUATION—All proposals received by the deadline will be evaluated by representatives of the State University Board. In some instances, an interview will be part of the evaluation process. Factors upon which proposals will be judged include, but are not limited to, the following:

1. Expressed understanding of project requirements.
2. Project work plan.
3. Project cost and detail. (Note: This will be a time and materials contract.)
4. Qualifications of both company and personnel. Experience of project personnel will be given greater weight than that of the firm.
5. Ability to provide programs in the COBOL programming language.
6. Ability to develop programs without requiring extensive access to the computing facilities of the State University Board. (i.e., off-site development facility.)
7. Ability to provide Twin Cities based personnel for ease of communication.

Evaluation and selection will be completed by November 18, 1985. Results will be sent immediately by mail to all respondents.

H. DEPARTMENT CONTACTS—Prospective respondents who have any questions regarding this Request for Proposal, or who need copies of Appendices A-G on the Database Index structure, may call or write:

Dr. Larry R. Selin
Database Project Director
Minnesota State University System
555 Park Street Suite 230
St. Paul, MN 55103
612/296-6870

Please Note: Other Department personnel are not allowed to discuss the project with respondents before the submittal of proposal deadline.

I. SUBMISSION OF PROPOSALS—All proposals must be sent to and received by:

Dr. Larry R. Selin
Database Project Director
Minnesota State University System
555 Park Street Suite 230
St. Paul, MN 55103

Not later than 5:00 p.m. (CST), November 4, 1985. Proposals will not be opened before this deadline.

Late proposals will not be accepted. Submit five copies of proposal. Proposals are to be sealed in mailing envelopes or packages with the respondent's name and address clearly written on the outside. Each copy of the proposal must be signed, in ink, by an authorized member of the firm. Prices and terms of the proposal as stated must be valid for the length of the project.

STATE GRANTS

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Energy and Economic Development Energy Finance Division

Cycle VIII of the Institutional Building Grants Program

Applications are now available for cycle VIII of the Institutional Building Grants Program (IBGP). Public and private non-profit schools and hospitals are eligible to compete for approximately \$1.3 million in federal funds for maxi-audits (technical assistance) or energy conservation measures. Grants will be awarded on a competitive basis for 50% of project costs. The remaining 50% must be from non-federal resources. Hardship grants for more than 50% may be possible.

The cycle VIII deadline is 4:30 p.m., Monday, December 16, 1985. For more information, call (612) 297-2103 or write: IBGP, Energy Finance Division, Department of Energy and Economic Development, 900 American Center, 150 East Kellogg Boulevard, St. Paul, MN 55101.

SUPREME COURT DECISIONS

Decisions Filed Friday, October 4, 1985

Compiled by Wayne O. Tschimperle, Clerk

C5-82-466 In the Matter of the Application for the Discipline of James V. Beal, an Attorney at Law of the State of Minnesota. Supreme Court.

Suspended. Per Curiam.

Orders

C1-85-1368 In the Matter of the Application for the Discipline of John J. Flanagan, an Attorney at Law of the State of Minnesota. Supreme Court.

Trustee Appointment Confirmed. Amdahl, C. J.

C2-85-1329 In the Matter of the Application for the Discipline of Roger L. Oldenkamp, an Attorney at Law of the State of Minnesota. Supreme Court.

Suspension Denied. Yetka, J.

C3-83-1299 State v. Howard Roy Kitto, Appellant. Supreme Court.

Rehearing Denied. Wahl, J.

TAX COURT

Pursuant to Minn. Stat. § 271.06, subd. 1, an appeal to the tax court may be taken from any official order of the Commissioner of Revenue regarding any tax, fee or assessment, or any matter concerning the tax laws listed in § 271.01, subd. 5, by an interested or affected person, by any political subdivision of the state, by the Attorney General in behalf of the state, or by any resident taxpayer of the state in behalf of the state in case the Attorney General, upon request, shall refuse to appeal. Decisions of the tax court are printed in the *State Register*, except in the case of appeals dealing with property valuation, assessment, or taxation for property tax purposes.

State of Minnesota Tax Court Regular Division

**Bernard J. Klein and Barbara J. Klein, Appellants, vs. Commissioner of Revenue,
Appellee, Docket No. 4249**

Findings of Fact, Conclusions of Law and Order for Judgement Dated September 30, 1985

The above-entitled matter came on for hearing before Judge M. Jean Stepan of the Minnesota Tax Court, on September 16, 1985, in the Tax Court Courtroom in St. Paul, Minnesota.

Mr. Robert W. Owens, Jr., of the firm of Thompson and Hawkins, appeared for appellants.

Mr. Thomas K. Overton, Special Assistant Attorney General, appeared for appellee.

Findings of Fact and Conclusions of Law

1. Appellants have failed to meet their burden of proving that the Order of the Commissioner of Revenue from which this appeal was taken is in any way incorrect.

2. The attached Memorandum is hereby made a part of these Findings of Fact.

3. The Order of the Commissioner of Revenue dated November 5, 1984, from which this appeal was taken, is hereby affirmed.

LET JUDGMENT BE ENTERED ACCORDINGLY. A STAY OF 15 DAYS IS HEREBY ORDERED.

September 30, 1985

By the Court,
M. Jean Stepan, Judge
Minnesota Tax Court

State of Minnesota Tax Court Regular Division

Harold W. Ehrich, Appellant, vs. Commissioner of Revenue, Appellee, Docket No. 4195

Findings of Fact, Conclusions of Law, and Order for Judgement Dated October 1, 1985

The above-entitled matter came on before the Honorable Earl B. Gustafson, Chief Judge of the Minnesota Tax Court, upon the written stipulation of the parties. Appellant appeals from the Order of the Commissioner of Revenue dated August 1, 1984, assessing additional Gift Tax to Harold W. Ehrich for the calendar year ending December 31, 1977.

Mark A. Madsen, Attorney at Law, appeared for appellant.

James W. Neher, Special Assistant Attorney General, appeared for appellee.

The Court, having duly considered the briefs submitted by counsel and upon all of the files, records and proceedings herein, now makes the following:

Findings of Fact

1. Through a series of transfers, Harold W. Ehrich transferred 152 acres of bare farmland in Faribault County, Minnesota, to his daughter and son-in-law, Nancy Lee Peterson and Dion Peterson. In connection with these transfers, the land was appraised on October 7, 1977, by Faribault County appraisers, Henry Mertens and Fred Fenske. The appraisers' opinion of value for the 152 acres was \$236,000.

2. Harold W. Ehrich gifted an undivided 1/20 interest in the 152-acre property to the Petersons on December 29, 1977. Mr. Ehrich reported these gifts on his 1977 Minnesota Gift Tax Return, which, together with payment of \$142.00 in gift tax, was received by the Department of Revenue on January 25, 1978.

3. On December 29, 1977, Harold W. Ehrich sold an undivided 9/10 interest in the 152-acre property to the Petersons for a total sale price of \$212,400. No gift tax return was filed in connection with this transfer.

4. Harold W. Ehrich gifted the remaining 1/20 interest in the property to the Petersons on January 5, 1978. Mr. Ehrich reported these gifts on his 1978 Minnesota Gift Tax Return, which, together with payment of \$253.53 in gift tax, was filed with the Department of Revenue in January, 1979.

5. The valuation of the 152 acres for the purposes of the 1/20 interest gifted in 1977 (\$11,800) and the 1/20 interest gifted in 1978 (\$11,800), as well as the 9/10 interest sold in 1977 (\$212,400) was based on the 1977 appraisal referred to in paragraph no. 1 above.

6. Both the 1977 and 1978 Minnesota Gift Tax Returns were audited and accepted as filed by the Minnesota Department of Revenue, and no adjustment to either return was made within three-and-one-half years after it was filed, as required under Minn. Stat. § 292.08, subd. 6 (1978).

7. On or about May 7, 1984, the Internal Revenue Service increased the values of these transfers in conjunction with the audit of the Federal Estate Tax Return of decedent, Harold W. Ehrich, who died on September 12, 1981. The values of the December 29, 1977 and January 5, 1978 transfers of 1/20 interests in the property were individually increased from \$11,800 to \$15,800. The value of the December 29, 1977 transfer of a 9/10 interest in the property was increased from \$212,400 to \$280,440, resulting in a taxable gift for federal gift tax purposes of \$68,040 (\$280,440 less the \$212,400 in consideration paid by the donees). The estate has consented to these increases.

8. On or about May 15, 1984, the Internal Revenue Service notified the Minnesota Department of Revenue of the aforesaid increases in value. On August 1, 1984, the Commissioner of Revenue for the State of Minnesota issued his order assessing gift tax on the above-described December 29, 1977 and January 5, 1978 transfers. On or about September 27, 1984, the appellant timely filed its Notice of Appeal with respect to said order.

9. For purposes of this litigation, the Commissioner concedes that the assessment of additional tax on the December 29, 1977 and January 5, 1978 transfers of a 1/20 interest in the property is barred by the period of limitations set out in Minn. Stat. § 292.08, subd. 7(d) (1978), but takes the position that the assessment of tax on the December 29, 1977 transfer of a 9/10 interest in the property is valid and correct under the provisions of Minn. Stat. § 292.08, subd. 7(b) (1978).

Conclusions of Law

1. Under Minn. Stat. § 292.08, subd. 7(a) (1978), the Commissioner of Revenue may assess gift tax at any time on a taxable transfer of property where there has been a failure to file a gift tax return with the Department of Revenue.

2. Under Minn. Stat. § 292.08, subd. 7(b) (1978), the Commissioner of Revenue may assess gift tax at any time on a taxable transfer of property which has been omitted from a gift tax return filed with the Department of Revenue.

3. The Commissioner's Order dated August 6, 1984, assessing gift tax on an unreported gift made on December 29, 1977, is hereby affirmed.

LET JUDGMENT BE ENTERED ACCORDINGLY. A STAY OF 15 DAYS IS HEREBY ORDERED.

October 1, 1985

By the Court,
Earl B. Gustafson, Chief Judge
Minnesota Tax Court

State of Minnesota Tax Court Regular Division

**Sterling Custom Homes, Inc., Appellant, vs. Commissioner of Revenue, Appellee,
Docket No. 4052**

Findings of Fact, Conclusions of Law, and Order for Judgement Dated September 30, 1985

The above-entitled matter was submitted on a Stipulation of Facts and briefs. A hearing for oral arguments was held at the Hennepin County Government Center in Minneapolis, Minnesota, on July 9, 1985, before Judge M. Jean Stepan of the Minnesota Tax Court.

Gary D. Blackford, of the firm of Popham, Haik, Schnobrich, Kaufman and Doty, Ltd., appeared for appellant.

Amy Eisenstadt, Special Assistant Attorney General, appeared for appellee.

Syllabus

A company that prepares plans for custom-designed homes, then constructs components of those homes including wall sections, deck and floor sections, roofs, interiors and trim, and delivers them to the construction site of the home, unloads the components there and oversees the erection of the components on the site as needed to ensure that they are affixed in the correct sequence and position, but which does not assume responsibility for construction or labor at the job site, is not a contractor or subcontractor within the meaning of Minn. Stat. § 297A.01, subd. 4, but is a "supplier of building materials" under that statute and is therefore engaged in taxable retail sales at the construction site.

Findings of Fact

1. During the tax periods in question, Sterling Homes was in the business of prefabricating custom-designed home packages, which ranged in price from \$20,000 to \$200,000. The packages sold in Minnesota were produced at Sterling Homes' Fond du Lac, Wisconsin plant.

2. Sterling Homes marketed its home packages through regional managers, who sold them to local builders. The builders executed separate agreements with the homeowners and determined the eventual price to be charged for the finished homes.

3. In most instances the homeowner and builder would come to Sterling Homes with rough sketches and ideas for Sterling Homes to incorporate into formal drawings. Once the drawings were completed by Sterling Homes, the builder, and sometimes the homeowner, would specify in detail the materials that were to be incorporated into the home. Sterling Homes and the builder would then complete a detailed specification sheet for the house. After that agreement was reached, Sterling Homes would prepare and supply to the builder a detailed plan for the house foundation. The builder was responsible for the actual installation of the foundation and Sterling Homes coordinated its foundation plans with its construction to ensure that the house fit the foundation properly.

4. The prefabricated components for any one house were not interchangeable with the components for any other house. The prefabricated components of each home were used only in the construction of the particular house for which Sterling Homes and the builder had contracted.

5. Sterling Homes prefabricates each home at its plant in Fond du Lac in a regular sequence. It first produces the wall sections, then the deck and floor sections, the roof, and finally the interior and trim. The home packages prefabricated by Sterling Homes did not include "mechanicals," such as plumbing, wiring, heating and drywall. The builders hired subcontractors to perform this work.

6. When the foundation was completed, Sterling Homes loaded the components in the sequence conformed to the order that the components would be erected at the job site. The components were delivered to the job site by Sterling Homes' trucks and drivers. Each driver was accompanied by up to two Sterling Homes employees who would assist in the unloading of the components. At the job site the larger components were unloaded by crane. The crane operators were hired by the builder, but were usually selected by one of Sterling Homes' salesmen. The smaller components, such as trim, were unloaded by Sterling Homes employees and were placed in the portion of the house where they would be installed. The drivers were required to keep a report with respect to the erection of the prefabricated components.

7. The drivers were involved in the erection of such homes on a daily basis. The drivers have basic carpentry knowledge, and are able to read a blueprint. Although the actual erection ordinarily took about one day, if the home did not go up smoothly the drivers were required to spend additional time at the site. In such instances, the trucks and delivery vehicles were returned to the Fond du Lac plant, while the drivers remained on the job site to oversee the construction of the home.

8. The driver's assigned on-site duties were limited to the following:

a. Supervision and direction of the crane operator in:

- (1) removing the larger components from the trucks in proper sequence without damage to the other components;
- (2) placing of the larger components on the site in proper sequence and position.

b. Supervision of other Sterling Homes employees in unloading smaller components and placing them in the portion of the house where they would be installed.

c. Supervision of the contractor's employees in affixing the components to the foundation and attaching the components to each other.

d. To repair or reconstruct any defective components.

9. Sterling Homes was not contractually responsible for the erection of the house components under its contracts with the builders.

10. Sterling Homes' customer is the general contractor. It is the general contractor who assumes responsibility for and provides labor for erection of the prefabricated components.

11. During the periods in question, Sterling Homes remitted to the State of Minnesota a use tax on the cost of the materials purchased to prefabricate the components sold to such builders.

12. By Order of the Commissioner of Revenue, dated September 20, 1983, the Sales and Use Tax Division of the Department of Revenue assessed Sterling Homes an additional \$21,942.84 for the taxable periods January 1, 1980 through December 31, 1982. The Commissioner of Revenue assessed the sales tax on the full contract price of home packages sold in Minnesota, claiming that the sales by Sterling Homes were "sales of building materials, supplies and equipment to owners, contractors, subcontractors or builders for the erection of buildings or the alteration, repair or improvement of real property," under the provisions of Minn. Stat. § 297A.01, subd. 4.

13. On October 19, 1983, Sterling Homes appealed the assessment to the Director of the Sales and Use Tax Division of the Minnesota Department of Revenue. In his Order dated December 16, 1983, the Commissioner, after hearing oral argument, affirmed the assessment.

Conclusions of Law

1. Appellant is a "supplier of building materials" within the meaning of Minn. Stat. § 297A.01, subdivision 4.
2. Sales by appellant to the builder at the home site are sales at retail subject to the Minnesota sales tax under Minn. Stat. § 297A.01, subd. 4.
3. Minn. Stat. § 297A.01, subd. 4, does not violate the United States or Minnesota Constitutions either on its face or in its application herein.
4. The Order of the Commissioner of Revenue dated December 16, 1983, from which this appeal was taken, is hereby affirmed.

LET JUDGMENT BE ENTERED ACCORDINGLY. A STAY OF 15 DAYS IS HEREBY ORDERED.

September 30, 1985

By the Court,
M. Jean Stepan, Judge
Minnesota Tax Court

ERRATA

Higher Education Coordinating Board

Notice Concerning Last Week's Correction Notice About Proposed Emergency Rules Relating to Education, Financial Aid, Grants, Part-time Students

Last week's correction notice was an accidental reprinting of an Errata previously published in the *State Register* on August 5, 1985. The original Errata was also listed in the Minnesota Rules Amendments and Additions list, and corrects printing errors in the original printing of the proposed emergency rules.

ORDER FORM

State Register. Minnesota's official weekly publication for agency rules and notices, executive orders of the Governor, state contracts, Supreme Court and Tax Court decisions.

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